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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

Addendum

JAPAN*

[28 August 1998]

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* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.6), by articles 10 to 12 (E/1986/3/Add.4) and by articles 13 to 15 (E/1982/3/Add.7) submitted by the Government of Japan were considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights in 1984 (see E/1984/WG.1/SR.9-10), in 1986 (see E/1986/WG.1/SR.20-21 and 23) and in 1982 (see E/1982/WG.1/SR.12-13) respectively.

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I. GENERAL COMMENTS

1. The Japanese Constitution is based on "respect for the individual" and stipulates that "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin" (art. 14, para. 1). This article serves to guarantee equality under the law for all people. "Equality under the law" is the general principle that binds the legislature, the executive and the judicature, and this principle is the supreme consideration in all affairs of State.

A. Right to self-determination

2. Refer to the items mentioned under Part II, article 1, of the third periodic report.

B. Status and rights of foreigners

3. In accordance with the spirit of the Constitution, whose basic principle is the respect for fundamental human rights and the spirit of international cooperation, fundamental human rights are guaranteed to foreigners, except for such rights as suffrage which is extended only to Japanese nationals due to the nature of these rights. The Government makes efforts to guarantee the rights authorized in the Covenant equally to foreigners as described below.

4. Right to work and freedom to choose and change one's occupation. Based on the Immigration Control and Refugee Recognition Act, the Government authorizes the entry and residence of foreigners who fall within any status of residence stipulated by the Act and meet the requirements (criteria) related to the applicable status of residence. Consequently, the type of work and work period are, in effect, restricted for foreigners in Japan, which, however, is logical for foreigners not possessing the right to reside in Japan. These restrictions do not apply to foreigners who possess permanent residency status in Japan.

5. Labour conditions. The laws and regulations related to labour conditions, such as the Labour Standards Law, which are mentioned below, are applied to all workers employed in Japan, regardless of nationality.

6. Social security. In accordance with the principle of equality between foreigners and Japanese nationals, the Government makes efforts to provide foreigners, regardless of nationality, legally residing in Japan with the same social security services as those for Japanese nationals, provided that the required payment is made. For example, Japanese nationality is not required to receive the benefits of the following systems:

(a) National Pension (National Pension Law);

(b) Child Rearing Allowance (Child Rearing Allowance Law);

(c) Child Allowance (Child Allowance Law);

(d) Special Child Rearing Allowance, Welfare Allowance for Persons with Disability, Special Allowance for Persons with Disability, and Tentative Welfare Allowance (Law Concerning the Payment of the Special Child Rearing Allowance, etc. and Law on Amendment of National Pension Law, etc.); and,

(e) National Health Insurance (National Health Insurance Law).

7. Right to education. Any foreign child wishing to receive education shall be accepted at public schools in which compulsory education is provided. Brochures concerning school entrance are issued to parents of a child of school age who does not have Japanese nationality, so that this child will not be deprived of the opportunity for education. Furthermore, foreign students enjoy the same treatment as Japanese students with respect to free tuition, free textbooks, and school attendance assistance measures, based on the principle of equality between foreigners and Japanese nationals.

C. Employment of foreigners as civil servants

8. Japanese nationality is required for civil servants who participate in the exercise of public power or in public decision-making; however, it is understood that Japanese nationality is not necessarily required for civil servants who do not engage in such mentioned work. The foregoing applies to Korean residents in Japan in principle; moreover, as for teachers in public schools, in March 1991, it became possible for individuals not possessing Japanese nationality, including Korean residents in Japan, to be employed as teachers, based on the memorandum drawn up on the basis of the results of the so-called "Third Generation Consultations" which have been held between the Governments of Japan and the Republic of Korea since 1988. Those who pass the same examinations as Japanese nationals are employed as full-time instructors, without a limited period of appointment. The Government pays attention to their stability and conditions of employment.

D. Provisions prohibiting discrimination in domestic law

9. These are as follows:

(a) General principles - article 14, paragraph 1, of the Constitution: "All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin.";

(b) Qualification of members of the Diet and their electors - article 44 of the Constitution: "The qualifications of members of both Houses and their electors shall be fixed by law. However, there shall be no discrimination because of race, creed, sex, social status, family origin, education, property or income.";

(c) Treatment of national public employees - article 27 of the National Public Service Law: "In the application of this law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, or political opinions or affiliation except as provided in article 38" [a person who, on or after the date of the promulgation of the Constitution of

Japan, formed or belonged to a political party or other organization which advocated the overthrow by force of the Constitution of Japan or the Government existing thereunder];

(d) Treatment of local public employees - article 13 of the Local Public Service Law: "In the application of this law, all of the people shall be accorded equal treatment and shall not be discriminated against by reason of race, religious faith, sex, social status, family origin, or political opinions or affiliation except as provided in article 16" [as in (c) above];

(e) Labour conditions - article 3 of the Labour Standards Law: "An employer shall not discriminate against or in favour of any workers with respect to wages, working hours, or other working conditions by reason of the nationality, creed, or social status of any worker.";

(f) Wages - article 4 of the Labour Standards Law: "An employer shall not discriminate against a woman as compared with a man with respect to wages by reason of the worker being a woman.";

(g) Opportunity and treatment in employment - article 11 of the Equal Employment Opportunity Law: "An employer shall not discriminate against a woman worker in comparison with a man by reason of her being a woman.";

(h) Right to join a trade union - article 5, paragraph 2 (4) of the Trade Union Law: "In no event shall any one be ineligible for union membership on the basis of race, religion, sex, social status or family origin.";

(i) Employment exchange and vocational guidance - article 3 of the Employment Security Law: "No one shall be discriminated against with respect to employment exchange or vocational guidance because of race, nationality, creed, sex, social status, family origin, previous employment, affiliation or non-affiliation with a trade union, etc.";

(j) Right to education - article 3, paragraph 1, of the Fundamental Law of Education: "That all people shall be given equal opportunity to receive an education according to their ability, and shall not be subject to educational discrimination because of race, creed, sex, social status, economic position or family origin."

E. Development assistance to other countries

10. Japan takes the basic position that human rights are a universal value and a legitimate international concern common among all human beings. Japan believes that development assistance should contribute to the promotion and protection of human rights. Examples of Japanese development assistance to promote economic, social, and cultural rights in other countries are as follows:

(a) Assistance to realize the right to work. Japan considers technical and vocational training in developing countries as a top priority in development assistance. The importance of the development of human resources is clearly stated in the ODA (Official Development Assistance) Charter, which

was adopted in the Cabinet in June 1992, based on the recognition that human resources are necessary and essential to realize economic rights in developing countries. From this point of view, Japan endeavours to implement technical transfers by such measures as the construction of training centres through grant aid, acceptance of trainees from other countries, provision of equipment and materials, dispatch of specialists and volunteers (Japan Overseas Cooperation Volunteers) and conduct of development studies;

(b) Assistance to realize the right to enjoy good health. Health and medical conditions are generally poor in developing countries. Many people there are threatened with death and suffer from various illnesses such as infectious diseases. Low living standards, malnutrition and deplorable sanitary conditions increase the dangers to health. Japan provides its assistance in the health and medical field through such means as grant aid, loans, acceptance of trainees, and technical cooperation by dispatching specialists and volunteers, based on the concept that welfare should be common among human beings. In addition, Japan implements social infrastructure-building projects, including water systems, sewer systems and urban sanitation, as a part of the basic human needs projects of its ODA;

(c) Assistance to realize the fundamental right to be free from hunger. A citizen's fundamental right to be free from hunger can be ensured by stabilizing the agriculture, forestry and fishery industries in a country. From this point of view, Japan emphasizes assistance to develop agriculture and agricultural villages in developing countries through agricultural infrastructure projects such as irrigation and drainage projects, farm products research and test projects, dissemination of information related to cultivation, projects for organizing agricultural villages, and projects for agricultural product distribution. Japan's ODA in this field has been implemented through such various forms as grant aid, loans, and technical cooperation. Japan also contributes to famine relief in the form of agricultural development assistance through general grants, marine grants, and disaster-relief grants;

(d) Assistance to realize the right to education. The development of human resources is essential in countries seeking economic development. Generally, the development of the social service sector lags behind in developing countries and the educational infrastructure is particularly behind. Japan recognizes that underdevelopment of the educational infrastructure hinders the development of human resources, which are essential for economic development, and thus provides various kinds of assistance, both in terms of basic infrastructure and "software" such as human resources and capacity building. Japan actively accepts students from developing countries at institutions for higher education. Japan comprehensively promotes various measures such as the Japanese government scholarship system in order to provide higher education services in other parts of the world. Grants and loans are given for the construction of elementary and junior high schools and facilities for social education, and for the expansion of courses broadcast over the air and the training and re-education of school staff. Along with these activities, Japan has supported grass-roots-level projects such as those conducted by NGOs through facility construction and the provision of equipment and materials in the form of small-scale grant aid since 1989. In the technical cooperation field, many achievements have been observed in the field

of education, especially through project-type technical cooperation and the Japan Overseas Cooperation Volunteers. In particular, the activities of the Japan Overseas Cooperation Volunteers cover the basic education fields in which Japanese assistance has heretofore been relatively limited. These activities, in general, have been highly appreciated by the recipient countries.

F. Public welfare

11. The Constitution stipulates that human rights may be restricted for the sake of the "public welfare" (arts. 12 and 13). The concept of "public welfare" is strictly interpreted and enables the human rights of each individual to be equally respected. Therefore, public welfare is not an irrational restriction of human rights. In the event that the Government imposes restrictions on human rights, these restrictions must be in accordance with laws and regulations; consequently, unlimited restrictions are not possible, as restrictions are limited to "rational considerations". The standard by which this rationality is judged is referred to as the "public welfare".

G. Measures for the socially disadvantaged

1. Measures for persons with disabilities

12. Japan enacted the "Government Action Plan for Persons with Disabilities" in 1995, which sets the following seven goals to implement the "New Long-Term Programme for Government Measures for Persons with Disabilities", which was enacted in 1993. The Action Plan is based on the principles of rehabilitation, which aims to restore all human rights to those in all stages of the life cycle, and of normalization, which strives to create a society where the daily lives and activities of persons with disabilities are equal in quality to those without disabilities. The seven goals are:

(a) Living in communities as ordinary citizens;

(b) Promoting the social independence of persons with disabilities;

(c) Promoting a barrier-free society;

(d) Targeting the quality of life (QOL);

(e) Assuring security in living;

(f) Removing psychological barriers; and,

(g) Promoting international cooperation and exchanges.

2. Measures for elderly persons

13. The average life span of a Japanese is about 80 years, the longest in the world. According to the population estimates by the National Institute of Population and Social Security Research, the percentage of the population 65 years of age and over is expected to reach 26.9 per cent by the year 2020,

which suggests a seriously aged society of the future, in which one out of every four citizens will be a senior citizen. In order to make this aged society of the twenty-first century one in which all people are healthy, have something to live for, and are able to live their whole lives with peace of mind, the development of an appropriate social and economic system for a society with an undeniably long life span is an urgent challenge.

14. Under these circumstances, the Government of Japan established in 1989 the "Ten Year Strategy for the Promotion of Health and Welfare for Elderly Persons (Gold Plan)" (from 1990 to 1999), which outlines the numerical targets for the necessary improvement of health and welfare services. This plan aims to ensure that elderly persons can live peacefully in their own homes or communities as long as possible, and that they are provided with the appropriate facilities when they have difficulties in living in their own homes. In this way, basic systematic improvements to public services in the area of health and welfare will be promoted for the elderly.

15. Since 1990, the promotion of the Gold Plan has been one of Japan's most important tasks. However, since 1993 it has become clear in the Local Health and Welfare Plans for the Elderly that it is necessary to plan much wider-scale improvements to the health and welfare services for the elderly than were outlined in the Gold Plan (Local Health and Welfare Plans for the Elderly are plans laid out by local public organizations in order to systematically promote health and welfare measures for the elderly). In addition, various measures for the health and welfare of the elderly had been already implemented after the inauguration of the Gold Plan. Therefore, in 1994, the Government completely revised the plan and established the "New Gold Plan".

16. In the New Gold Plan, the Government has raised its targets for the improvement of basic services by 1999 and raised overall project costs to 9 trillion yen; furthermore, it has newly established the basic framework for measures to be introduced in the future.

Table 1

Improvement objectives for the end of 1999

	Improvement objectives	Actual results in 1996
(i) Resident services		
In-home helpers	170 000 people (809.1)	118 779
Short stay	60 000 per cap. (285.6 per cap.)	38 619
Day services/Day care	10 000 establishments (47.6)	7 922
Resident home care assistance centres	17 000 establishments (80.9)	3 347

	Improvement objectives	Actual results in 1996
Nursing stations for visiting the elderly	5 000 establishments (23.8)	1 863
(ii) Facility services		
Special nursing services for the elderly	290 000 per cap. (1,380.3 per cap.)	249 017
Health facilities for the elderly	280 000 per cap. (1,332.7 per cap.)	147 243
Welfare centres for the elderly	400 establishments (1.9)	204
Care houses	100 000 per cap. (476.0 per cap.)	23 326
(iii) Securing the required manpower		
Matrons, personal care staff	200 000 per cap. (951.9 per cap.)	-
Nursing staff	100 000 per cap. (476.0 per cap.)	-
Occupational/physical therapists	15 000 per cap. (71.4 per cap.)	-

Note: Numbers in parentheses are values per 100,000 elderly persons.

17. The Government is making smooth progress on basic improvements to services based on the New Gold Plan although this success has varied among the measures undertaken.

18. Hand in hand with the rapid aging of Japanese society, a rapid increase is seen in the number of elderly people who require care. The general issue of care, coupled with the need for long-term care and an increase in nuclear families, has become a major cause of uncertainty in the lives of the elderly. In response to this situation, the Law on Long-term Care Insurance was established in December 1997 in order to revise the existing care system for the elderly, which distinguished between medical treatment and welfare, and to establish a fair and user-friendly universal social support system, and the Government is preparing for the implementation in 2000.

19. With the introduction of public care insurance for the elderly, the Government will duly implement the New Gold Plan and support it for the time being. In particular, priority will be put on areas with insufficient services such as large cities and less populated areas to improve basic infrastructure. The New Gold Plan provides appropriate services by further improving the basis of care services both at home and in care facilities.

Furthermore, once care insurance for the elderly is introduced, the Government expects to increase the necessary services as the demand for this insurance is clearly evident. Japan continues to study the basic infrastructure for the improvement of necessary care services.

3. Measures for children and families

20. Fewer births and a decrease in the total fertility rate have been apparent in recent years. There is consequently a concern that it is difficult to instill independence and socialization in children because they now have less contact with other children. To overcome these circumstances, national and local governments are channelling their energies towards the building of a "Child Support Society" in which the company, workplace and local society, in addition to national and local governments, vigorously implement child support measures. In December 1994, the Government established the "Basic Direction for Future Child Rearing Support Measures (Angel Plan)" and is generally and systematically promoting policies for child support throughout the society. Finally, the Government has established the "Five-Year Project on Urgent Nursery Measures" as part of the Angel Plan and has been working towards the expansion of infant and long-term child care to respond to the increasing diversity in nursery needs associated with women's greater participation in the work place in recent years.

H. Measures for the realization of a gender-equal society

21. The Headquarters for the Promotion of Gender Equality, which is composed of the entire Cabinet and chaired by the Prime Minister as its President and with the Chief Cabinet Secretary, Minister for Gender Equality, as its Vice-President, formulated the new national plan of action, "Plan for Gender Equality 2000", in December 1996, and is promoting the comprehensive and systematic implementation of the policy measures towards the realization of a gender-equal society (in which women and men shall be given equal opportunities to participate voluntarily in activities in all fields as equal partners and shall be able to enjoy political, economic, social and cultural benefits as well as to take equal responsibilities).

22. In April 1997, the Council for Gender Equality was established on a legal basis as a permanent body. It is deliberating the fundamental law for the creation of a gender-equal society and other basic measures thereof, as well as undertaking in-depth study on matters related to violence against women.

I. International Convention on the Elimination of All Forms of Racial Discrimination

23. On 15 December 1995, Japan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination. In compliance with the purpose of this Convention, Japan is making every effort to eliminate all forms of discrimination.

II. REPORT ON EACH ARTICLE OF THE COVENANT

A. Article 6

1. Basic data related to employment and unemployment

24. Table 2 shows the change in job-openings-to-job-applications ratio (active job openings/active applications) in Japan according to age group. Table 3 shows the changes in the unemployment rate (the unemployed/the labour force) by sex and age group. According to these tables, the job-openings-to-job-applications ratio was less than one in 1997; in particular, there was a large gap between age groups as shown in the low ratio for those in the upper age bracket. The unemployment rate was 3.4 per cent overall and the employment situation was severe. Looking at the unemployment rate by sex and age group, men and women between the ages of 15-19 (in the lower age bracket) and men between the ages of 60-64 (in the upper age bracket) sustained a high unemployment rate.

Table 2

Changes in the ratio of effective job offers to effective job applications

Age group	1987	1992	1997
Total	0.80	1.02	0.71
15-19	1.85	3.18	2.64
20-24	0.90	1.00	0.84
25-29	1.07	1.03	0.80
30-34	1.50	1.69	1.22
35-39	1.14	1.92	1.47
40-44	1.15	1.33	1.23
45-49	0.73	1.22	0.63
50-54	0.44	0.90	0.52
55-59	0.18	0.41	0.26
60-64	0.10	0.16	0.07
65 years or over	0.22	0.40	0.26

Note 1: Based on the "Employment Security Statistics" by the Ministry of Labour.

Note 2: Figures are as of October of every year.

Note 3: Ratio of effective job offers to effective job applications = the number of effective job seekers/effective job applications.

Note 4: Data are on regular workforce (which includes part-time and excludes temporary and seasonal workers).

Table 3

Changes in the full unemployment rate, by sex and age

Age group	Total			Males			Females		
	1987	1992	1997	1987	1992	1997	1987	1992	1997
Total	2.8	2.2	3.4	2.8	2.1	3.4	2.8	2.2	3.4
15-19	7.9	6.7	9.0	9.3	7.3	10.3	7.7	6.0	7.6
20-24	4.5	3.9	6.2	4.3	3.9	6.2	4.3	3.7	6.1
25-29	3.4	2.9	4.9	2.6	2.3	3.9	4.6	3.5	6.3
30-34	2.4	2.0	3.3	2.2	1.6	2.7	2.9	3.0	4.4
35-39	2.2	1.6	2.6	2.0	1.5	2.1	2.4	1.9	2.9
40-44	1.9	1.4	2.1	1.8	1.1	2.2	2.3	1.8	2.1
45-49	1.8	1.3	2.0	1.7	1.2	2.1	2.0	1.6	2.0
50-54	2.0	1.2	2.1	2.3	1.2	2.1	2.0	1.4	2.0
55-59	3.3	1.7	2.5	4.0	1.9	2.6	2.1	1.3	2.0
60-64	5.3	3.7	6.2	7.6	5.1	8.3	2.4	1.4	2.5
65 years and over	1.3	1.0	1.5	1.6	1.6	2.0	0.8	0.6	0.6

Note 1: Based on the "Labour Force Survey" by the Management and Coordination Agency's Statistics Bureau.

Note 2: Unemployment rate = fully unemployed persons/labour force (per cent).

25. Table 4 shows the changes in the job-openings-to-job-applications ratio and the unemployment rate, by region. According to the table, urban areas such as South Kanto (Tokyo area) and Kinki (Osaka area) as well as Hokkaido (in the north of Japan) and Kyushu (in the south of Japan) have high unemployment rates and their job-openings-to-job-applications ratios are low.

Table 4

Changes in the ratio of effective job offers to effective job applications and the full unemployment rate, by region

Region	Ratio of effective labour demand to effective supply			Full unemployment rate (%)		
	1987	1992	1997	1985	1990	1997
Total	0.70	1.08	0.72	2.8	2.2	3.4
Hokkaido	0.44	0.66	0.54	4.2	2.9	3.8
Tohoku	0.56	1.02	0.80	2.9	1.9	2.9
South Kanto	0.84	0.96	0.58	2.7	2.4	3.8
North Kanto, Koshin	1.17	1.74	1.02	1.8	1.5	2.5
Hokuriku	0.87	1.63	1.08	2.4	1.6	2.6
Tokai	1.12	1.69	0.96	2.0	1.6	2.7
Kinki	0.55	0.85	0.60	3.3	2.5	4.0
Chugoku	0.73	1.52	1.02	2.8	1.7	2.7
Shikoku	0.69	1.20	0.88	3.3	2.3	3.2
Kyushu	0.40	0.82	0.57	4.0	2.5	3.8

Note 1: Based on the "Employment Security Statistics" by the Ministry of Labour and the "Labour Force Survey" by the Management and Coordination Agency's Statistics Bureau.

Note 2: Hokkaido - Hokkaido prefecture.
Tohoku - Aomori, Iwate, Miyagi, Akita, Yamagata and Fukushima prefectures.
South Kanto - Saitama, Chiba, Tokyo and Kanagawa prefectures.
North Kanto, Koshin - Ibaraki, Tochigi, Gunma, Yamanashi and Nagano prefectures.
Hokuriku - Nigata, Toyama, Ishikawa and Fukui prefectures.
Tokai - Gifu, Shizuoka, Aichi and Mie prefectures.
Kinki - Shiga, Kyoto, Osaka, Hyogo, Nara and Wakayama prefectures.
Chugoku - Tottori, Shimane, Okayama, Hiroshima and Yamaguchi prefectures.
Shikoku - Tokushima, Kagawa, Ehime and Kochi prefectures.
Kyushu - Fukuoka, Saga, Nagasaki, Kumamoto, Oita, Miyazaki, Kagoshima and Okinawa prefectures.

26. With regard to persons with disabilities, it is especially important to provide detailed and considerable vocational guidance and vocational placement according to the person's capability and aptitude. A job-seeking registration

system has therefore been established in the Public Employment Security Offices. Table 5 shows the change in the registration system. The number of persons with disabilities registered as job seekers is increasing and the number of employed is increasing accordingly. However, the growth in the number of active applicants is even higher and employment opportunities are not increasing sufficiently.

Table 5

Employment conditions of disabled persons registered at Public Employment Security Offices

Year (at end March)	Total number registered	Effective job seekers	Persons employed	Pending
1986	342 179	47 824	277 570	16 785
1991	341 876	54 276	272 101	15 499
1996	414 735	88 030	305 239	21 466
1997	426 109	95 515	307 643	22 951

Note: "Pending" refers to those not eligible for employment because of illness, etc.

2. Policies and measures to guarantee the right to work

(a) Guarantee of the right to work

27. Article 27, paragraph 1, of the Constitution stipulates that "All people shall have the right and the obligation to work" and recognizes the right to work for all people. In order to guarantee the right to work, the Government has the obligation to take various measures to secure employment for workers. The guarantee of the right to work is a major issue in the various laws and regulations concerning employment security administration (refer to the first report for details).

(b) Freedom in the choice of employment

28. Article 22, paragraph 1, of the Constitution stipulates that "Every person shall have freedom to choose his/her occupation to the extent that it does not interfere with the public welfare." To guarantee this right, Public Employment Security Offices and other employment security agencies have been established to carry out such tasks as active exploration of job openings, provision of information and placement services for job seekers. When the national Government introduces employment opportunities (employment security agencies provide guidance and placement services), the wishes of the individual shall be respected, and forced labour displacement through government authority is not to be permitted.

(c) Employment measures in Japan

29. In this way, the guarantee of the right to work and freedom in the choice of occupation is basic policy in the Japanese employment security-related laws such as the Employment Security Law and the Employment Insurance Law. Based on these concepts and on the goal of "achieving full employment", which is the basic policy of a modern welfare government, the comprehensive development of employment-related measures has been implemented.

30. This means that various laws and regulations on employment, the Employment Measures Law being a major one, and various measures based on those laws and regulations have been systematized to achieve the basic goal of embodying the ideas of the Constitution and achieving full employment, although the target and means of each law and measure are different. (Refer to article 1, paragraph 1, of the Employment Measures Law.) The measures can be systematized as follows: the first set of measures targets prevention of unemployment through such means as employment security activities based on the Employment Measures Law; the second set targets provision of life security to cover the loss of wages for the unemployed through such means as employment insurance; and the third set targets the promotion of the re-entry of the unemployed into the labour force through such means as employment placement and vocational training.

31. To achieve and maintain full employment, which is the goal of the employment policy, appropriate and substantial employment measures should be implemented based on the conditions of the economy and employment; furthermore, efforts are necessary to cope with changes in the labour force supply and demand structure in the mid- to long-term. From these points of view, Japan has adopted Basic Employment Measures Plans since 1967 (the eighth Plan was adopted in 1995), and an annual employment plan is drawn up every year to serve as a guideline to implement necessary measures comprehensively and systematically in order to accurately cope with immediate unemployment conditions. Actual employment measures are implemented based on these plans.

3. Policies to improve labour productivity

32. Although improvements in labour productivity are basically the result of the self-help efforts of labour and management, the Government promotes measures for human resources development and investment for labour-saving as policies to contribute to the improvement of labour productivity. It also encourages reduction of working hours and provides an opportunity to improve productivity indirectly. Additionally, measures to shift the industrial structure (from an industrial employment structure to a high-productivity sector) and promotion of research and development also contribute to the improvement of labour productivity.

33. To improve the quality of the labour force, the Government provides assistance to promote human resources development in private companies, creates human resources development systems through implementing measures such as public vocational training and trade skill tests, and trains ME (microelectronics) and information processing personnel to cope with changes in technology and the progress of the information society.

34. The Government provides assistance for the promotion of labour-saving investment, which improves labour productivity. To promote investment in private equipment while coping with a labour shortage, the Government has a loan system for business operators, mainly of small- and medium-sized companies, who promote facility investment in order to save labour.

35. The reduction of working hours has become a national task towards which the entire nation should make efforts so that people can lead more fulfilling lives. The Government actively encourages reduction of working hours by emphasizing the full use of annual paid holidays and reduction of overtime working hours, with the establishment of the 40-hour work week as the primary issue.

4. Vocational training programme

36. The basic framework of Japan's vocational training programme is provided by the Human Resources Development Promotion Law (this law is the Vocational Training Law mentioned in the initial report, as revised when the Law to Revise a Portion of the Vocational Training Law was promulgated in June 1985) and the Basic Human Resources Development Plan, which is formulated every five years based on the above Law. The national Government and the prefectures promote educational training at private companies, and have established public human resources development facilities for workers who lack sufficient opportunity for educational training within their respective companies.

37. In regard to the promotion of educational training at private companies, the Government encourages companies to designate a human resources development promoter to create in-house human resources development plans and to smoothly implement these plans. Moreover, the Government takes measures to subsidize the necessary cost of implementing educational training based on these plans.

38. Vocational training at public human resources facilities is divided into ordinary vocational training with short-term courses and ordinary courses, and high technology vocational training with short-term specialist courses and specialist courses, in accordance with the level of knowledge and skill and the training period. The national Government and the prefectures implement measures according to the Basic Human Resources Development Plan and the Prefectural Human Resources Development Plans based on the Basic Plan. The Government has also established operation councils which consist of government agency representatives and labour and management in each training facility, and made efforts to facilitate the effective operation of these facilities by providing training that meets the needs of workers and industry.

5. Ensuring equal employment opportunities

39. Article 3 of the Employment Security Law stipulates that no one shall be discriminated against in employment placement and vocational guidance, or the like, by reason of race, nationality, creed, sex, social status or family origin, etc. The Government implements the following measures to guarantee equal employment opportunities.

(a) Women workers

40. Revision of the Equal Employment Opportunity Law and the Labour Standards Law, etc. To promote equal employment opportunities and labour conditions for men and women, the Government duly enacted the Law Respecting the Improvement of the Welfare of Women Workers, including the Guarantee of Equal Opportunity and Treatment between Men and Women in Employment (Equal Employment Opportunity Law) in April 1986. Furthermore, the Government revised the regulations on protection of women in the Labour Standards Law and Mariners Law and reduced restrictions on women in regard to overtime work, working on holidays, late-night work, and dangerous and hazardous work.

41. To firmly guarantee equal opportunity and treatment between men and women in employment, the Government revised related laws, including the Equal Employment Opportunity Law, in 1997. The Revised Equal Employment Opportunity Law, which will enter into force in April 1999, mainly includes the following revisions:

(a) It prohibits discrimination against women in recruitment, hiring, assignment and promotion, whereas employers used only to have an obligation to make an effort towards the elimination of such discrimination. It also removes the limitation on the spheres in which discrimination in vocational training is prohibited;

(b) It is newly recognized as "discrimination against women", and in principle prohibited, to recruit and assign only women in specific occupations (which used to be permitted), in the light of harmful effects such as fixing the fields in which women can work and separating the occupational fields of men and women;

(c) It is newly provided that the Government may give advice and other support to employers who take or try to take "positive action" to remove existing gaps between men and women workers. Measures taken only for women as "positive action" based on this provision are not considered to be "discrimination against women" as mentioned in (b) above;

(d) It establishes a system to officially announce non-compliance by employers with recommendations concerning the correction of infringements of the provisions concerning prohibition of discrimination against women;

(e) As for the Mediation System, it makes it possible to initiate mediation upon the request of one of the parties;

(f) It is newly provided that employers must take into consideration whatever is necessary in the way of employment management to prevent sexual harassment in the workplace;

(g) As of 1 April 1998, employers are obliged to take measures for the health management of pregnant workers and after childbirth, whereas employers used only to have an obligation to make an effort to take such measures. (See also article 10, section 2, Protection of mothers in the present report.)

42. Furthermore, by the partial revision of the Labour Standards Law, conducted simultaneously, restrictions on overtime work, holiday work and late-night work (from 10 p.m. to 5 a.m.) by women workers over the age of 18 are removed. The revision will enter into force in April 1999 together with the Equal Employment Opportunity Law.

43. Enforcement of the Equal Employment Opportunity Law. Regarding personnel management problems concerning women in such areas as recruitment, hiring, assignment and promotion, the Prefectural Women's and Young Workers' Offices provide education, consultation, guidance on the improvement of personnel management systems, and assistance in settlement of disputes, in order to make employers comply with the Equal Employment Opportunity Law, to carry out personnel management in compliance with the Law, and to disseminate the revised Equal Employment Opportunity Law. Specifically, the Prefectural Women's and Young Workers' Offices receive more than 20,000 consultation requests per year from women workers and employers, and provide strict correctional guidance for those employers whose conduct violates the Equal Employment Opportunity Law. Furthermore, the Offices periodically collect reports from companies about personnel management with respect to women and demand strict compliance and make other efforts to provide guidance actively if problems are perceived. Finally, the Offices encourage employers to strive voluntarily to promote improvement of their employment administration in accordance with the goals of the Equal Employment Opportunity Law.

44. Exceptions. With regard to the Labour Minister's guidelines promulgated under the Equal Employment Opportunity Law that stipulate the measures to be taken by employers concerning recruitment, hiring, assignment, and promotion, the following exceptions are admitted:

(a) Jobs in the fields of art and entertainment (actors, male singers) which it is necessary to be performed by men;

(b) Jobs such as guards and security officers which it is necessary to be performed by men because of the requirements of crime prevention;

(c) Jobs for which, due to the nature of the work, it is recognized that there is the same level of necessity that they be performed by men as for the jobs set forth in (a) and (b) above (because of the needs of religion, public morals, involvement in sports, etc.).

(d) Situations in which it is recognized that, in order to carry out the normal operation of the job, it would be difficult to provide women with opportunities or treatment equal to those of men because of the restrictions or prohibitions (on late-night work, overtime work and holiday work) of the Labour Standards Law (these restrictions will be removed on 31 March 1999);

(e) In cases where overseas service is required for which, due to differences in customs, practices or the like, it would be difficult for women to utilize their abilities, or because of other special circumstances.

The new guidelines will be drawn up based on the revised Equal Employment Opportunity Law and will enter into force on 1 April 1999.

(b) The Ainu people, Dowa people, and Korean residents in Japan

45. There is no discrimination against the Ainu people, Dowa people or Korean residents in Japan with regard to employment guidance and employment placement by public agencies. However, considering their historical background, special consideration is necessary so that they can lead more stable lives. To further ensure their basic human rights, the Government provides instruction and education for employers in order to ensure a proper understanding and recognition for these individuals and to encourage fair employment practices based on the aptitudes and skills of the job seekers. In this way, the Government endeavours to ensure their employment opportunities. Furthermore, in the event of an incident where equal opportunity in the workplace is not ensured by reason of race, nationality or social status, the human rights organs will provide education on an individual basis to the people concerned to ensure an understanding of the goal of article 3 of the Employment Security Law and other relevant regulations (see para. 39).

(c) Foreigners entering Japan

46. The Government considers that the employment of foreign people who come to Japan to engage in jobs requiring expert technology, technological skills or knowledge, or jobs requiring specific ways of thought or sense based on foreign culture, whose job cannot be performed by a Japanese, is not likely to cause adverse effects on the domestic labour market or cause other social problems and will contribute to promoting and developing the Japanese economy and society, as long as these workers are under appropriate immigration control. From this point of view, the Government accepts as many foreign workers as possible who are engaged in jobs requiring expert technology. For foreigners who are authorized to enter and reside in Japan, the public employment security offices throughout the nation make efforts to ensure their employment opportunities by providing them with the same employment services as Japanese nationals in accordance with the activities which are permitted under their "status of residence".

B. Article 7

1. Wages

(a) Methods to determine wages

47. Article 28 of the Constitution guarantees the right of workers to organize and to bargain and act collectively. In principle, wages are determined through discussions between labour and management or through collective negotiations. Based on provisions of the Constitution, the Trade Union Law and the Public Corporation and National Enterprise Labour Relations Law grant the right to conclude labour agreements with regard to working conditions, including wages.

48. The basic labour rights of national public employees, however, are limited because of the characteristics of their positions and their public duties; such employees, except for those working in government enterprises, may not conclude labour agreements concerning employment conditions, including salaries. Instead, their salaries, which are stipulated by law, are revised

in accordance with general social conditions, based on the recommendations of the National Personnel Authority, an independent organ, to the Diet and the Cabinet, by revising the law (article 28 of the National Public Service Law and article 2 of the Law Concerning Remuneration of Employees in the Regular Service). For example, in April 1997, the average monthly salary for national public service employees in charge of the administrative service (average age: 39.8 years) was 356,424 yen, while the average monthly salary for private enterprise employees with similar duties was 360,056 yen. To eliminate the disparity in salary between public and private employees, the National Personnel Authority recommended a revision in public service employee salaries. Upon receipt of this recommendation, the Cabinet, considering the management of national public service employees in the light of overall national policy, decided to revise the law in accordance with the National Personnel Authority's recommendations for the regular service, excluding the designated service. The Cabinet duly submitted the "Bill to Revise the Law Concerning Remuneration of Employees in the Regular Service and the Law Concerning the Special Measures for the Recruitment, Remuneration and Working Hours of Researchers with Fixed Term in the Regular Service" to the Diet. The bill passed without amendments and the salaries of national regular public service employees were thus revised retroactively to April 1997. The salaries of designated service employees were revised in April 1998.

49. Salaries of local public employees other than employees of local public enterprises and those employed for simple labour are also determined in a similar manner (articles 24 and 26 of the Local Public Service Law).

(b) Minimum Wage

50. Minimum wages are guaranteed under the Minimum Wage Law to secure the livelihood of workers and to improve the quality of the labour force. When the Minister of Labour or the Directors of Prefectural Labour Standards Offices believe that a minimum wage is necessary to improve the labour conditions of low-wage workers with regard to a certain industry, occupation or region, he/she requests that the national or prefectural Minimum Wage Council, consisting of an equal number of members representing the public interest, labour and management, do a survey and discuss the matter. He/she then determines the minimum wage based on the opinions (report) of the Council. There are two kinds of minimum wages based on surveys and discussions of the Minimum Wage Council, namely, the regional minimum wage (the minimum wage applied to all workers in a prefecture regardless of industry or type of work) and the industrial minimum wage (the minimum wage applied to workers in a particular industry). There is also a regional minimum wage based on labour agreements. Table 6 shows the minimum wages according to the established system, as of 31 March 1997.

Table 6

Number of established minimum wages systems and number of workers to whom minimum wages are applied

Established system	Number decided	Number of workers to whom the minimum wage is applied
Minimum wage based on survey and discussions	301	47 863 100
Regional minimum wage	47	43 088 600
Industrial minimum wage	254	4 774 500
Minimum wage decided by the Ministry of Labour	3	4 300
Minimum wage decided by the director of the Labour Standards Office	251	4 770 200
Regional minimum wage based on labour agreements	2	600
Total	303	47 863 700

Note: Workers to whom two or more minimum wages apply are counted as recipients of the higher minimum wage.

51. Excluding regular public service employees and others as stipulated by law, the minimum wage is applied to all workers including full-time, temporary and part-time employees. However, workers engaged in simple labour may be exempted from minimum wage systems, under the authorization of the Director of the Prefectural Labour Standards Office.

52. The level of minimum wages is determined by the Minister of Labour or the Directors of the Prefectural Labour Standards Office, based on the results of surveys and discussions by the Minimum Wage Council. The Minimum Wage Law provides that the minimum wage shall be determined in consideration of three factors: the cost of living for workers, the wage for similar labour, and the employers' capacity to pay. Discussions in the Minimum Wage Council are based on the survey results of actual workers' wages. Members of the Minimum Wage Council visit offices to observe working conditions, study wages, and hear opinions from the workers and employers concerned. They thus determine the minimum wage by paying attention to such factors as the cost of living in the region, recent graduates' starting salaries, minimum wages agreed between labour and management, worker distribution according to salary brackets, and the degree of influence expected from the number of workers whose salary is lower than the envisaged minimum wage.

53. Table 7 shows the average monthly salary of full-time workers in Japan. Table 8 shows the national average of daily minimum wage by region and industry.

Table 7

Total average monthly salary of one full-time worker (yen)

Year	Total salary	Fixed earnings	Overtime salary	Special salary
1985	317 091	214 255	22 332	80 504
1990	370 169	244 373	27 123	98 673
1995	408 864	284 040	23 983	100 841
1996	413 096	286 853	25 181	161 062

Note 1: Based on the "Monthly Labour Survey" taken by the Ministry of Labour.

Note 2: This survey covers establishments with 30 or more workers.

Table 8

National average of the daily minimum wage by region and industry (yen)

Year	Regional minimum wage	Industrial minimum wage
1985	3 478	3 834
1990	4 117	4 377
1995	4 866	5 521
1996	4 969	5 650

Note: These figures are weighted average amounts based on the number of workers to whom these value are applied.

54. When the minimum wage is determined, the wage is announced through publication in the Official Gazette. The Labour Standards Inspection bodies distribute leaflets to employees and employers and hold explanatory meetings to make the minimum wage known to the public. They also conduct inspections, offer guidance nationwide, and give warnings to organizations violating minimum wage standards to correct such practices.

55. Employers have the obligation to pay the minimum wage or a higher wage, and those in violation will be punished under the Minimum Wage Law. Even if labour and management were to agree on a wage lower than the minimum wage, it would be legally invalid and recognized as the minimum wage (article 5 of the Minimum Wage Law). With regard to violations of the Minimum Wage Law, a

Labour Standards Inspection Administration Inspector is responsible for conducting investigations of judicial police officers, as stipulated in the Code of Criminal Procedure.

56. Japan ratified ILO Convention No. 26 (Convention concerning the Creation of Minimum Wage-Fixing Machinery) and Convention No. 131 (Convention concerning Minimum Wage-Fixing, with Special Reference to Developing Countries) in April 1971, and has established a legislative system that conforms to these conventions. Japan submitted its latest reports on the implementation of Convention No. 26 to the ILO in 1976 and on Convention No. 131 to the ILO in 1997.

2. Equal treatment

57. Article 3 of the Labour Standards Law stipulates that "An employer shall not discriminate against or in favour of any workers with respect to wages, working hours, or other working conditions by reason of the nationality, creed, or social status of any worker". Japan also ratified ILO Convention No. 100 (Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value) in July 1967, and has established a legislative system in accordance with the Convention.

58. Ten years have passed since the enforcement of the Equal Employment Opportunity Law. The Law's goals are steadily being incorporated through the continuous efforts of enterprises to improve employment administration. According to the "Survey on Employment Management of Female Workers" conducted in 1995, among all companies, 14.3 per cent employ female workers holding positions equivalent to manager; 30.6 per cent employ female workers in positions equivalent to section chief, and 72.1 per cent employ female workers in positions equivalent to assistant manager. Furthermore, retirement systems that discriminate against women and marriage, pregnancy and maternal retirement systems have also been eliminated. With regard to national public employees, eligibility restrictions for women applying for the recruitment examinations for the national public service were abolished through a revision of the rules of the National Personnel Authority. Thus, there is no restriction or discrimination against women in the hiring of regular public service workers.

59. Article 7 of the Trade Union Law stipulates that any act of an employer treating a worker in a disadvantageous manner by reason of his/her being a member of a trade union, having tried to join or to organize a trade union, or having performed the fair acts of a trade union, is prohibited as an unfair labour practice.

60. For a comparison of wages for similar work between the public and private sectors, see section 1 (a) above.

3. Safe and healthy working conditions

(a) Basic laws and ordinances

61. To ensure the safety and health of workers in the workplace, Japan has enacted and enforces various laws and regulations, including the "Industrial

Safety and Health Law", "the Pneumoconiosis Law", the "Ordinance on Industrial Safety and Health", the "Ordinance on the Safety of Boilers and Pressure Vessels", and the "Ordinance on the Prevention of Organic Solvent Poisoning".

62. Although the Industrial Safety and Health Law is not applicable to ship crews under the Mariners Law or mine workers under article 2, paragraph 2, of the Mine Safety Law, respectively, their safety and health are ensured by the Seamen's Law, the Mine Safety Law, and other relevant ordinances.

63. Japan ratified the ILO Convention No. 81 (Convention concerning Labour Inspection in Industry and Commerce) in October 1953, and has implemented labour standards administrative activities based on this Convention. As for the implementation of this convention, refer to the Japanese report submitted to the ILO in 1997.

(b) Industrial injuries

64. The number of casualties due to industrial injuries (accidents while on duty or while commuting and occupational illnesses) has continued to decrease after reaching a peak in 1961. (However, it temporarily increased between 1975 and 1977.) The same trend has been observed since the first report (refer to table 9).

Table 9

Labour accident trends (all industries)

Year	Number of deaths and injuries	Number of deaths	Frequency rate	Severity rate
1983	930 000	2 588	3.03	0.30
1984	921 000	2 635	2.77	0.34
1985	902 000	2 572	2.52	0.29
1986	859 000	2 318	2.37	0.22
1987	847 000	2 342	2.22	0.20
1988	832 000	2 549	2.09	0.20
1989	818 000	2 419	2.05	0.20
1990	798 000	2 550	1.95	0.18
1991	765 000	2 489	1.92	0.17
1992	726 000	2 354	2.13	0.15
1993	696 000	2 245	2.07	0.18
1994	675 000	2 301	2.00	0.20
1995	645 000	2 348	1.88	0.19
1996	621 000	2 363	1.89	0.16

Note 1: The number of casualties is estimated based on the new beneficiaries of Workmen's Compensation Insurance.

Note 2: The frequency rate refers to the number of deaths and injuries per 1 million labour hours.

Note 3: The severity rate refers to the number of work days lost per 1,000 labour hours.

65. Many industrial injuries occur at small and medium-sized companies. In order to cope with situations in which industrial injuries still often occur at such places as factories and construction sites, the Government amended the Industrial Safety and Health Law in 1992, with the aim of developing a safety and health management system at small and medium-sized construction sites and to enhance security measures at the construction planning stage.

(c) Occupational diseases

66. The number of occupational diseases was between 15,000 and 18,000 per year during the first half of the 1980s, but decreased to 9,250 in 1996.

67. Occupational illnesses occurring in 1996 can be broken down as follows: 70 per cent as a result of injury and approximately 16 per cent as a result of pneumoconiosis and related complications.

68. The percentage of workers required to undergo special health examinations for hazardous work, based on the Industrial Safety and Health Law, was 3.1 per cent in 1996.

4. Rest, leisure, limitation of working hours and paid holidays

69. The Labour Standards Law and other laws stipulate the minimum standards for rest, holidays, limitation of working hours and paid holidays as a part of fair and sound working conditions. These standards are enforced by the Labour Standards Inspection bodies.

(a) Holidays

70. The Labour Standards Law stipulates that an employer shall give his/her worker at least one rest day per week, or four rest days or more per period of four weeks (art. 35).

(b) Normal and overtime work hours

71. The normal work week was gradually reduced from 48 hours per week to 40 hours per week through the revisions of the Labour Standards Law in 1987 and 1993. The Law also stipulates that an employer may extend working hours in the case of an emergency (art. 33), or when a written agreement between labour and management on overtime work has been duly submitted to the local administrative office (art. 36).

(c) Annual paid holidays

72. Japan amended article 39 of the Labour Standards Law in 1993. As a result, the period that a new employee must work before receiving annual paid holidays was reduced from one year to six months.

(d) Remuneration for public holidays

73. As stated in the initial report, Japan reserves the right not to be bound to provide remuneration for public holidays. A few companies have introduced a system to pay salaries for national holidays, but there is no social consensus for remuneration for national holidays. Therefore, it is appropriate to leave this matter to agreements between labour and management.

(e) Restrictions on workers engaged in the agricultural and fishery industries

74. The Labour Standards Law stipulates that regulations on working hours, rest and paid holidays do not apply to workers engaged in work or services to which fixed work hours and the weekly holiday system are not suitable (agricultural or marine industries) (art. 41).

(f) Restrictions on mariners

75. The working hours for mariners are regulated by the Mariners Law, and differ from those of regular workers because of the special characteristics of the work (art. 116).

5. Factors and obstacles influencing the degree of realization of rights in regard to the customs and laws in Japan concerning the reasonable restrictions on rest, leisure and working hours, as well as periodical paid holidays, and remuneration for public holidays

76. Generally, the reduction of working hours is difficult for small and medium-sized companies compared with larger companies because of their weak management base and the difficulties in securing substitute personnel.

77. Annual paid holidays are not likely to be taken fully since workers tend to save their holidays in case of emergencies such as sickness.

78. The regulations on working hours, rest and holidays stipulated in the Labour Standards Law are not applicable to managerial staff, and no measure has been taken in this regard.

C. Article 8

79. Modified points from the initial report are as follows.

1. Guarantee of the right to form and join labour unions

80. The number of labour unions and their members by industry in Japan are as indicated in table 10:

Table 10

Number of labour unions and their members by industry

As of the end of June 1996

Industry	Number of labour unions	Members of labour unions (persons)
Total	70 699	12 451 149
Agriculture	52	1 770
Forestry	787	22 665
Fisheries	50	6 231
Mining	156	13 192
Construction	3 403	1 081 664
Manufacturing	17 052	3 821 369
Electricity/gas/heat supply/water	1 604	229 397
Transport/communication	13 576	1 607 159
Wholesaler/retail/trade/eating-drinking places	7 796	1 137 681
Finance/insurance	5 093	1 088 290
Real estate	214	17 438
Services	14 790	1 926 833
Government	5 699	1 331 120
Industries not adequately classified	427	46 443

Note 1: Based on the "Basic Survey on Labour Unions" by the Ministry of Labour.

Note 2: "Industries not adequately classified" includes labour unions which are organized by employees from multiple industries and labour unions whose industrial classification is unknown.

Note 3: The total includes non-independent labour union members.

2. Privatizations

81. On 1 April 1985, the Government enacted the laws that privatized, respectively, the Japan Monopoly Sales Corporation as Japan Tobacco, Inc.; the Nippon Telegraph and Telephone Corporation as Nippon Telegraph and Telephone, Inc.; and the Japan National Railway, thereby excluding them from the range of application of the Public Corporation and National Enterprise Labour Relations

Law. Instead, the Trade Union Law applies to the employees of the privatized companies in the same way as it does to general private-sector employees. Since there are no more public corporations in Japan, the Government changed the name of the Public Corporation and National Enterprise Labour Relations Law to "National Corporation Labour Relations Law" at the time of privatization.

D. Article 9

82. The Government implements social security by providing medical care, injury or sickness benefits, maternity benefits old-age pensions, disability benefits, survivor benefits, family allowance, industrial accident benefits and unemployment benefits. Japan ratified ILO Convention No. 121 (Convention concerning Benefits in the Case of Employment Injury) in June 1974 and Convention No. 102 (Convention concerning Minimum Standards of Social Security) in February 1976, accepting the obligation of providing injury or sickness benefits, unemployment benefits, old-age benefits and employment injury benefits. For the implementation of these conventions, refer to the reports submitted to the ILO in 1993 and 1996 respectively.

1. Medical care, injury or sickness benefits and maternity benefits

83. Medical care, injury or sickness benefits, and maternity benefits are ensured by the medical insurance system. A public assistance scheme (living assistance) is also provided through the general financial resources of the national and local governments.

(a) Contents of the medical care insurance system

84. The present medical care insurance system consists of six different schemes, namely, Health Insurance, Seamen's Insurance, and three Mutual Aid Schemes for national public employees, local public employees, and teachers and employees of private schools and National Health Insurance. The first five schemes are employee insurance schemes for employed persons and their dependents, while the last one is a community insurance scheme for people not covered by the employee insurance schemes. This complex system is reflected in the fact that Japan's medical care insurance system was formed and has developed on both a community and an employment sector basis. The community insurance scheme targets those who are not insured by an employee insurance scheme. This scheme is run by either the local authority (city, town or village) or national health insurance associations, which are formed by a group of persons engaged in the same occupation, such as doctors or carpenters. The outline of services secured by the Health Insurance and National Health Insurance schemes, which together cover the majority of the population, are as follows (the outlines are basically the same as those in the first report; however, the rate paid by the beneficiary and the period of coverage were changed after a revision of the law).

85. Medical care. Medical care under both schemes includes medical treatment, surgery, hospitalization, nursing care, dental care, medication, etc. Under the Health Insurance Scheme, a patient pays 20 per cent of medical costs (30 per cent for dependents and 20 per cent for their hospitalization). While under the National Health Insurance Scheme, patients pay 30 per cent of

all medical costs. However, the National Insurance Scheme has a system of high-cost medical care benefit, which provides the balance when the medical expenses of a patient exceeds 63,600 yen in any one-month period.

86. Sickness benefits. When a person is unable to work because of injury or sickness, the Health Insurance Scheme provides 60 per cent of the standard monthly remuneration (determined on the basis of the insured person's basic monthly salary/wage) as a sickness or injury benefit from the fourth day, for up to 18 months. In the case of the National Health Insurance Scheme, these benefits are voluntary under the law; in practice, however, most National Health Insurance associations provide such sickness benefits.

87. Maternity benefits. The Health Insurance Scheme provides 60 per cent of the standard monthly remuneration as a maternity benefit for the 42 days before and the 56 days after childbirth. In addition, there is a lump-sum birth and nursing grant (spouse lump sum birth and nursing grant for the spouse) of 300,000 yen. While under the National Health Insurance Scheme, the details of the grants are determined by ordinances of each city, town and village; however, almost all pay 300,000 yen as the lump-sum birth and nursing grant.

(b) Financial structure of the medical care insurance system

88. Health insurance. The amount of an individual insurance premium is calculated by multiplying the standard monthly remuneration of the insured person by the premium rate, and is paid equally, in principle, by the insured and his/her employer. As of the end of March 1997, the premium rate for the Government-run Health Insurance Scheme was 8.2 per cent, while that for the association-run Health Insurance Scheme was 8.394 per cent. The administrative costs for these schemes are paid by the Government. Under the Government-run Health Insurance Scheme, 13 per cent of the cost of insurance benefits such as medical treatment, medical care benefits for dependents, sickness or injury benefits, maternity benefits, and high-cost medical care benefits (including those for dependents) are covered by the National Treasury.

89. National health insurance. Under the National Health Insurance Scheme, the premium is paid by the household of the insured person. The amount of the premium, in principle, is a percentage of the sum of income, real property, a per-head levy (fixed sum multiplied by the number of members in the household) and a per-household levy (same for all households). No household must pay more than 530,000 yen in insurance fee per year. Fifty per cent of the benefit is covered by the National Treasury; there are also other national subsidies provided, such as the grant for the assistance of local government finances.

90. Health and medical service for the elderly. The Health and Medical Service Law for the Elderly is enacted to provide comprehensive health services including preventive care, treatment and rehabilitation of the patient, with a view to ensuring suitable medical treatment and health maintenance for citizens in their old age in recognition of the increase in the aging population. This law is based on the spirit of self-reliance and solidarity of the citizens. These health services are undertaken together by

the city, town and village, the closest administrative body to the community residents, and expenses are covered, in part, by the patient and, in part, through public expense or contribution by the medical insurance holders. The burden of payment is thus fairly shared by the entire nation. However, due to the increase in medical expenses for the elderly with the rapid development of the population and sluggish economic conditions, the burden of cost on the younger generation is becoming excessively heavy. Therefore, Japan is currently working towards necessary revisions of the system with a view to fair burden-sharing among generations as well as appropriate and efficient medical fees for the elderly, while still ensuring the provision of adequate health and medical services in accordance with the special needs of the elderly.

2. Old-age benefits, disability benefits and survivor benefits

91. Old-age benefits, disability benefits and survivor benefits are provided under the Public Pension Scheme, which applies to all residents of Japan (the nationality requirement was eliminated in January 1982). Corporate and individual pensions are also offered based on the type of work and the community. These are provided as a means to enrich life in old age through self-help efforts, while public pensions aim at guaranteeing the basic part of an individual's livelihood. These schemes thus supplement each other.

92. There are two types of public pension schemes: the National Pension Scheme, which provides a basic pension common to all beneficiaries, and the Employees' Pension Schemes, which provide pensions in proportion to salary. The latter includes the Employees' Pension Insurance Scheme for general employees, and Mutual Aid Pension Schemes for national public service employees, local public service employees and teachers and employees of private schools, and employees of agricultural, forestry and fishery associations. The outline of the National Pension Scheme, which applies to the entire population other than company employees, and the Employees' Pension Insurance Scheme, which applies to approximately 85 per cent of all employees, is given below. This outline is basically the same as that in the initial report. The pension scheme was reformed in 1985, 1989 and 1994, to equalize benefits and payments among schemes and to establish pension rights for women (guarantee of a basic benefit for all women under their own names).

(a) The National Pension Scheme

93. The National Pension Scheme applies to all residents of Japan aged 20 to 59 years old. Spouses (housewives, etc.) of those insured under Employees' Pension Schemes are also independently insured. The benefits of the National Pension include (i) basic old-age pension, which is provided for those over 65 years of age who have contributed for 25 years or more (66,625 yen monthly since April 1998); (ii) basic disability pension, which is provided according to the degree of disability (83,283 yen monthly for class 1, 66,625 yen for class 2 since April 1998); and (iii) basic survivor's pension, which is provided to a family when an insured or an eligible person for basic old-age pension dies (66,625 yen monthly plus an additional amount, according to the number of children, since April 1998). Financial resources are covered by insurance premiums from the insured (13,300 yen monthly in fiscal year 1998),

and contributions from employees' pension insurance schemes and from the National Treasury (as a rule, the obligatory share is one third of the benefit costs).

(b) The Employees' Pension Insurance Scheme

94. The Employees' Pension Insurance Scheme applies to persons employed by private-sector companies. Benefits of insurance include (i) old-age benefits, which are provided for those over 60 years of age (over 59 for women) who have contributed for 25 years or more (the amount is determined by age, average monthly standard remuneration, months of contribution, existence of spouse and/or children); (ii) disability benefits, which are provided for disabilities resulting from sickness or injury which originated while insured (the amount is determined by the average monthly standard remuneration, months of contribution and degree of disability; however, the minimum guarantee is 49,967 yen per month); and (iii) survivor benefits, which are provided for a family when an insured person or a person who was eligible for a basic old-age pension dies (the amount is determined by the average monthly standard remuneration and the months of contribution). Financial resources are covered by insurance premiums paid equally by employees and employers. The premium rate is 17.35 per cent (since October 1996).

3. Family benefits

95. Based on the Child Allowance Law, the Government established the Child Allowance Scheme in January 1972 to contribute to a stable family life, as well as to promote the healthy growth of children. The number of beneficiaries was 2,001,864 as of February 1997. This system was outlined in the initial report, however, the following revisions have been made (the financial resources are the same as previously):

(a) An allowance is paid to those who reside in Japan (the requirement of nationality was eliminated in January 1982) and who take care of and support children eligible for the allowance. However, the allowance is not paid to those whose annual income in the previous year was higher than the amount determined by government ordinance (an annual income of 2,396,000 yen with three dependents). The requirement for the allowance used to be "three or more children under 18 years of age, at least one of whom is below the age of completion of compulsory education (under 16)". This, however, was changed by the revision of the Child Allowance Law in 1991 to "children under three years of age";

(b) The amount of the allowance is 5,000 yen per month for the first and second child respectively, and 10,000 yen for each additional child;

(c) A Special Allowance (the same amount as the Child Allowance) is paid by employers to company employees and by the relevant office to public service employees who cannot receive the Child Allowance because of income restrictions and whose previous year's income was less than the amount determined by government ordinance (an annual income 4,178,000 yen with three dependents).

4. Employment injury benefits

96. Benefits for an injury incurred while on duty (including accidents while commuting) are paid in accordance with the Workmen's Accident Compensation Insurance Law.

97. Workmen's Accident Compensation Insurance is aimed at all workers (hired by employers and receiving salary) regardless of nationality, and applies to all companies that employ workers. As of March 1997, the number of insured companies was approximately 2,680,000 with approximately 47,900,000 workers.

98. When a worker is injured, falls ill, becomes disabled or dies as a result of a work-related accident, including accidents while commuting, insurance benefits are paid to the worker or to his survivors as follows:

(a) Medical (compensation) benefit (when the worker needs medical treatment);

(b) Temporary disability (compensation) benefit (when the worker cannot receive any earnings due to absence during the period of medical treatment, the benefit is paid from the fourth day of the absence);

(c) Long-term disability (compensation) benefit (when the worker has not fully recovered from the injury or illness after 1½ years from the beginning of medical treatment, and the disability falls into the category of an injury or illness);

(d) Permanent disability (compensation) benefit (when the worker has permanent disabilities after recovery from a work-related injury or illness);

(e) Survivor (compensation) benefit and funeral expense (funeral compensation benefits) (when the worker dies); and,

(f) Health care (compensation) benefit (when the worker who receives disability and injury (compensation) benefit needs continuous or on-call care and, at present, is receiving such care).

99. In addition, special benefits are provided as a labour welfare service. The amount of the above benefits meets the standards prescribed by ILO Recommendation No. 121.

100. The Workmen's Accident Compensation Insurance Scheme is run by the Government. In principle, the expenses required by the insurance are covered by premiums paid by employers. The premium is calculated by multiplying the tota' salary paid by the employer by the premium rate. The premium rate is determined by taking account of the type of business, the number of past accidents and other factors. Currently, the lowest rate is 0.6 per cent and the highest, 13.4 per cent.

5. Unemployment benefits

101. Unemployment and other benefits are paid to workers who are unemployed or have trouble in continuing to be employed, in accordance with the Employment Insurance Law. This aims to stabilize workers' livelihood and employment as well as to promote employment.

102. The Employment Insurance Scheme applies to all companies where one or more workers are employed. All persons employed in such companies are insured and protected by this scheme, except for persons insured under the Seamen's Insurance Scheme and persons employed after reaching 65 years of age. As of the end of March 1996, the number of companies insured by this scheme was approximately 1,960,000, with the number of those insured approximately 33,770,000.

103. There are three kinds of unemployment benefits, namely, the job applicant benefit, which aims to stabilize the livelihood of the unemployed, the employment promotion benefit, which aims to promote re-entry into the workforce, and the continuous employment benefit, which aims to contribute to the stabilization of employment by providing necessary benefits for a worker unable to continue to be employed. The amount and duration of the basic allowance under the job applicant benefit are determined by the daily wage of the person's latest job, his/her age and the insured period. The minimum daily amount of the basic allowance in 1997 was 2,580 yen while the maximum daily amount for the same period was 10,790 yen; the minimum duration was 90 days and the maximum, 300 days.

104. The financial resources for unemployment benefits are covered by insurance premiums paid by employees and employers (they equally bear the amount equivalent to 0.8 per cent of workers' wages) and by the National Treasury.

6. Change in the costs related to social security

105. In recent years, along with the development of an ageing population, the share of the national budget allotted to social security and the burden on the national economy have been increasing (see table 11)

Table 11

Share of social security costs in the national budget
(100 billion yen)

Fiscal year	GNP (nominal)	General Expenditures	Social security costs	Rate (%)
1980	2 453 600	307 332	82 124	26.7
1985	3 255 011	325 854	95 736	29.4
1990	4 415 891	353 731	116 148	32.8
1995	4 927 803	421 417	139 244	33.0

E. Article 10

1. Protection of the family

(a) Concept of family and dependent children

106. Family. The Civil Code, Japan's principal code in the field of civil law, adopts the method of indirectly establishing the concept of "family" and its scope by regulating the particular legal relationships between husband and wife, parents and children, as well as husband or wife and his or her specific relatives by blood, without stipulating any provisions that directly define the concept of "family" and its scope. Pertaining to the legal relationships between the foregoing persons, an outline of the regulations concerning the maintenance of livelihood and support (including assistance) is as follows:

(a) Husband and wife are obligated to live together, to cooperate with and to assist each other (art. 752). This obligation is regarded as substantial because it obliges one spouse to guarantee the other's living standard to the same or a similar degree as those of himself/herself. Furthermore, husband and wife shall be jointly liable for the obligations arising from daily household matters (art. 761). In case one spouse is declared incompetent, the other spouse becomes that spouse's legal guardian (art. 840). One spouse will always become the legal heir of the other spouse (art. 890);

(b) Concerning parents and children, parents exercise parental authority (art. 818), provide custody and education (art. 820), and determine the place of residence (art. 821) of their children until these children reach the age of majority. Parents are as fully obligated to support their children as they are to support each other. In addition, children have the right of succession of the first priority in their relationship with their parents;

(c) In contrast, siblings and specific relatives by blood or by affinity have a relatively low degree of obligation; they are only obligated to assist those who do not have a spouse or parent, or those whose spouse or parent does not have sufficient financial resources to support them.

107. The above regulations indicate that the Civil Code regards the group consisting of a husband, a wife and their minor children as the basic unit of "family" in terms of a communal group.

108. Children. The Civil Code stipulates the age of 20 years as the age of majority (art. 3), restricts the legal capacity of minors under private law (art. 4), and provides that minor children be subject to the parental authority of their parents (art. 818). Those with parental authority have the right and obligation to take custody of and educate their children (art. 820). Married children under 20 years of age are deemed to have reached their majority under private law (art. 753).

109. A "child" in the Child Welfare Law, which is enacted for the purpose of promoting the sound growth of children, is defined as a "person under 18 years of age".

(b) Assistance for families

110. Economic assistance for child-rearing. Economic assistance for parents raising children includes a child allowance, which is provided based on the Child Allowance Law, a child-rearing allowance, based on the Child-Rearing Allowance Law, and a special child-rearing allowance, based on the Law Concerning the Provision of the Special Child-Rearing Allowance. Regarding child allowance, see article 9, section 3 above. The child-rearing allowance is paid to a mother of a fatherless household or a guardian who cares for and rears a child. In the case of one child, the monthly amount is 41,390 yen as of April 1997 (there are adjustments made corresponding to the number of children). The number of recipients totalled 624,101 as of the end of March 1997. The special child-rearing allowance is paid to the parent, or the guardian who cares for and rears or has custody of a child with a mental or physical disability. The monthly amount is 50,350 yen per child with a class 1 disability as of April 1997. The number of recipients totalled 130,000 as of the end of March 1997.

111. Nursery care service. Infants and toddlers whose guardians are unable to take care of them adequately due to work, illness or other reasons are to be provided nursery care service based on the Child Welfare Law. As of April 1997, approximately 1,650,000 infants and toddlers (20 per cent of all infants and toddlers) received nursery care at day-care centres (approximately 22,400 nationwide). The expenses required for nursing infants and toddlers at day-care centres is covered by the national and local governments' budget and by fees which are collected from the guardians based on their financial capability. The Government is taking various measures, including making subsidies to develop nursery facilities.

112. Child care leave. The Law Concerning Child-care Leave, etc. which was effective from April 1992 was revised to the Law Concerning the Welfare of Workers Who Care for Children or Other Family Members, Including Child Care and Family Care Leave (hereinafter Child Care and Family Care Leave Law) in June 1995. This law, excluding one section, came into effect in October 1995.

113. The Child Care and Family Care Leave Law stipulates that workers with a child under one year of age can take child-care leave upon submitting a request to their employer, who may not reject such a request if it satisfies the requisites. Moreover, employers must take measures to allow workers rearing a child under one year of age and who choose not to take care leave, to remain employed and to facilitate the raising of their child, for example by shortening working hours (art. 19, para. 1). Furthermore, the Law stipulates to the effect that employers must endeavour to take such measures, as would allow workers rearing a child who is between the age of one and the age at which primary education commences to remain employed and facilitate the raising of their child, for example by shortening working hours (art. 20, para. 1).

114. Family care leave. The Child Care and Family Care Leave Law requests employers to endeavour, in accordance with the Law, to institute a family care leave system and take measures for shortening working hours from October 1995. Adherence to this system will be obligatory for all employers from April 1999.

115. Under this law, workers who take care of family members (spouse, parents and children, parents of spouse, or grandparents, siblings, and grandchildren living together with and supported by the same household) under the requisite conditions (the necessity of giving constant care for more than a two-week period) can obtain family care leave for up to three consecutive months upon submitting a request to their employer, who may not reject such a request if it satisfies the requisites. Employers must also take measures, such as shortening working hours for three continuous months or more, to allow workers taking care of family members under the requisite conditions and who choose not to take family care leave to remain employed and to facilitate care-giving (art. 20, para. 2). Furthermore, this law stipulates to the effect that employers must endeavour to take such measures as would apply under a family care leave system and shorten working hours, thus enabling workers to take care of family members in need (art. 20, para. 2).

116. Measures for late-night workers. Together with the partial revision of the Labour Standards Law conducted in 1997, which removes restrictions on overtime work, holiday work and late-night work (from 10.00 p.m. to 5.00 a.m.) by women workers (see article 6, section 5 above), partial revision of the Child Care and Family Care Leave Law was also conducted and the limitation of late-night work by workers who take care of their child or family member was established. These revisions will be enforced beginning in April 1999.

(c) Freedom of marriage

117. As mentioned in section 1 (a) above, the basic family unit in Japan is the group consisting of the husband, the wife and their minor children; therefore, marriage is the institution which provides the core of the family in Japan. Article 24, paragraph 1, of the Constitution stipulates that marriage shall be based only on the mutual consent of both parties and it shall be maintained through mutual cooperation with equal rights of husband and wife as a basis. Under the Civil Code, marriage between men and women who have reached their majority is legally contracted through the notification thereof along with certain formalities. There are no legal restrictions with regard to the freedom of marriage, apart from reasonable regulations such as the prohibition of bigamy and consanguineous marriages (even in the case of minors, males over 18 and females over 16 are able to contract marriage with the consent of their parents, in accordance with the same procedure as that for adult couples).

118. However, it cannot be denied that outmoded attitudes and customs still remain in society, which put high importance on the origin of family and social status in marriage. In this connection, human rights organs in Japan endeavour to promote a full understanding of article 24 of the Constitution among the public by implementing various awareness-raising activities, in order to eliminate such attitudes and customs.

2. Protection of mothers

119. Under the Maternal and Child Health Law, the Government provides health examinations and guidance for expectant or nursing mothers and protectors of infants and toddlers, medical care assistance to expectant or nursing mothers who have illnesses which may have a negative effect on pregnancy or

childbirth, medical care benefits for hospitalization of premature infants, and various kinds of health consultations for expectant or nursing mothers and infants. Moreover, the Government establishes maternal and child health centres providing various kinds of consultations related to maternal and child health. Furthermore, under the Child Welfare Law, the Government provides medical aid and equipment for children with potential disabilities, medical benefits for children suffering from tuberculosis, and medical cost assistance for children with specific chronic diseases such as cancer. Moreover, Japan has maternity homes for expectant or nursing mothers unable to give birth in a hospital for financial reasons.

120. Those who have health insurance are provided with 300,000 yen after giving birth (or, in the case where an insured person's dependent wife gives birth, as a spouse child-rearing lump sum for birth and rearing). A maternity benefit amounting to 60 per cent of the standard monthly remuneration is provided for the period of 42 days before and 56 days after the delivery (extended after the initial report) as a birth grant. Under the National Health Insurance Scheme, a lump-sum birth and rearing grant is also provided when the insured person gives birth see article 9, section 1 (a) in regard to the differences between the Health Insurance Scheme and the National Health Insurance Scheme).

121. Under the Law for the Welfare of Mothers with Dependents and Widows, the Government provides interest-free or low-interest loans to fatherless families and widows for setting up a business, schooling or other purposes. The number of loans granted in 1996 was approximately 60,000, amounting to 20,670,000,000 yen.

122. As measures to promote the independence of mothers and children, and of widows, the Government provides consultative advice through consultation officers for families with widowed mothers and their children, home-care service during sickness, priority permission for the establishment of retail stands in public facilities, and established welfare facilities for fatherless families.

123. The Labour Standards Law stipulates measures for the protection of mothers, which apply to all workers, as follows:

(a) Prohibition of expectant and nursing mothers from engaging in underground work (art. 64 (4));

(b) Limitations for expectant and nursing mothers engaging in dangerous or injurious work (art. 64 (5));

(c) Work limitations of 6 weeks before childbirth and 8 weeks after childbirth (14 weeks before childbirth and 10 weeks after childbirth in the case of multiple pregnancy) (art. 65);

(d) Limitations on shift work and prohibition of overtime work, working on holidays and working at night, when an expectant women or nursing mother so requests (art. 66); and,

(e) The right to request time off for child care for a woman raising an infant under one year of age (art. 67).

124. The revised Equal Employment Opportunity Law enacted in 1997 (see art. 6, section 5) places employers under an obligation to take measures for the health management of women workers in pregnancy and after childbirth, whereas employers used only to have an obligation to make efforts to take such measures. The following measures became obligatory in April 1998.

(a) Measures to ensure necessary time for them to receive health guidance and medical examinations;

(b) Measures to enable them to observe the guidance given.

The Government has established prenatal and post-natal health management instruction standards based on these provisions, and gives guidance to employers in observing these standards.

125. The Mariners Law has similar provisions for the protection of mothers.

126. Concerning imprisonment, the Government may suspend the execution of an imprisonment sentence imposed on those who are more than 150 days pregnant and for those who have given birth within the past 60 days, for the mother's protection.

3. Protection of children

127. Japan ratified the Convention on the Rights of the Child in April 1994. Refer to the initial report, submitted in 1996 on the implementation of the Convention.

128. The Government has been reinforcing measures for the prevention, early diagnosis and early medical care of the mentally or physically disabled, and implementing measures such as the placing of disabled children in institutions for mentally disabled children, schools for mentally disabled children, institutions for physically disabled children, institutions for blind children, institutions for children with auditory/speech disabilities, and institutions for severely handicapped children, or enabling them to commute to such institutions. Education and care are provided in these institutions. In addition, home welfare measures such as counselling and guidance at child guidance centres and welfare offices and the dispatching of home helpers are also vigorously promoted. As of October 1996, facilities for disabled children numbered 816, and children who used these facilities numbered approximately 38,000.

129. Children who need protection because they have no guardian or whose guardians are not deemed to be providing adequate care are given either group (custodial) protective care or individual protective care. Group protective care is provided by placing those children in such institutions as infant homes and child protection facilities, while individual protective care is provided by placing them with foster parents or with "vocational guidance foster parents".

130. Child guidance centres endeavour to provide guidance and to promote sound development of delinquent children who need protection, in cooperation with related organizations. Furthermore, homes for the resocialization of minors hold and rehabilitate children who commit delinquent acts or whose guardians' custody is inadequate. For juveniles (under 20 years of age) who have committed criminal acts, the Juvenile Law has stipulated special measures to place them under protection in order to correct their characters and adjust their environment.

131. The Labour Standards Law, in principle, prohibits the employment of minors under 15 years of age (art. 56). Exceptions are limited to the following cases:

(a) In the case where a minor over the age of 12 is employed with permission from the appropriate administrative office, in regard to work which is not related to manufacturing, not deemed hazardous to the health and welfare of children, and relatively easy in nature;

(b) In the case where permission from the appropriate administrative office is obtained in regard to the production of movies or performance work not deemed harmful to the health and welfare of children, and where the work is relatively easy in nature.

132. From January to December 1996, the number of children under 15 years of age permitted to work was 3,784.

133. In addition, the Labour Standards Law prohibits minors under 18 years of age from engaging in dangerous or hazardous work and underground work (arts. 62 and 63).

134. The working hours for minors under 15 years of age was reduced to "40 hours a week including school hours" by the revision of the Labour Standards Law in September 1987 (art. 60, para. 2).

135. Various types of kidnapping, including removal of children by force, for profit or ransom, or for transportation outside the country and trafficking for transportation outside of the country, are prohibited and punishable under articles 224-228 and article 228-3 of the Penal Code. Moreover, abandonment of minors needing protection and actions that do not provide minors with necessary protection are prohibited and punishable under articles 217, 218 and 219 of the Penal Code.

136. Article 34 of the Child Welfare Law prohibits any acts liable to be psychologically or physically harmful to children (including acts of child exploitation) and article 60 of this law penalizes any person who commits such acts.

137. In 1994, human rights organs implemented a "Civil Liberties Commissioners for the Rights of the Child" system to deal exclusively with the human rights problems of children. Commissioners monitor the human rights of children and if these rights are found to be violated, appropriate measures are taken immediately to provide relief. Furthermore, commissioners implement awareness-raising activities to ensure the protection of children's rights.

F. Article 11

138. Article 25 of the Constitution stipulates that "All people shall have the right to maintain the minimum standards of wholesome and cultured living."

1. Right to an adequate standard of living

(a) Data concerning the living standards of nationals

139. Table 12 shows the changes in income and consumption based on annual income class, according to the National Survey of Family Income and Expenditure. Based on these data, both annual income and consumption have been increasing in all classes of income.

Table 12

Changes in annual income and consumption based on income class (nationwide - all households) (10,000 yen)

	Average	First	Second	Third	Fourth	Fifth
Annual Income						
1984	548	236	378	486	626	1 012
1989	665	276	447	584	761	1 258
1994	784	316	520	689	904	1 490
Annual Living Expenditure						
1984	317	205	263	302	352	464
1989	366	233	302	347	412	537
1994	413	268	336	389	469	603

Note 1: Based on the "National Survey of Family Income and Expenditure" by the Statistics Bureau of the Management and Coordination Agency.

(b) Assistance for the poor

140. Since data on GNP based on income class are not collected, there are no data per person for the poorest 40 per cent. Moreover, a "poverty line" is not set in Japan.

141. The Daily Life Security Law provides livelihood assistance, education aid, housing assistance, medical assistance, maternity benefits, unemployment assistance, and funeral benefits for those in need. The amounts and criteria for such benefits are revised annually. The assistance benefits (in monthly amounts) for an average family of three (husband, wife and one child) in the highest price-index areas (large cities such as Tokyo and Osaka) from 1986 to 1996 are shown in table 13.

Table 13

Changes in the standard amount for living assistance (yen)

Fiscal year	Amount of benefit
1986	126 977
1987	129 136
1988	130 944
1989	136 444
1990	140 674
1991	145 457
1992	149 966
1993	153 265
1994	155 717
1995	157 274
1996	158 375
1997	161 859

(c) Material living standard index

142. Table 14 presents consumer expenditure/household/month converted to expenditure based on a certain number of household members (four) and days (one month = 30.4 days), which is further converted into an index based on the 1995 standards and divided by the consumer price index (expenditure standard index).

Table 14

Index of living expenditures (1995 = 100)

Year	Index
1985	91.1
1986	91.9
1987	93.8
1988	96.7
1989	97.7
1990	98.9

Year	Index
1991	100.6
1992	101.2
1993	101.3
1994	100.6
1995	100.0
1996	100.6

Note: Created based on the "Household Economic Survey Annual Report" by the Statistics Bureau of the Management and Coordination Agency.

2. Right to adequate food

143. Food is a person's most basic commodity and assuring a stable supply of food and guaranteeing its security are objectives of fundamental importance for national policy. Therefore, the Government comprehensively implements necessary measures for improvement of agricultural productivity and the agricultural structure, rationalization of distribution and processing, and stabilization of agricultural product prices, to ensure a stable supply of food and measures for ensuring a stable supply of agricultural imports for which Japan depends upon overseas sources. In addition, the Government has stored provisions for emergencies. Furthermore, it has implemented various consumption measures to promote a healthy and well-balanced diet. As a result, an appropriate food supply has been achieved in Japan.

144. In order to ensure a stable food supply in a country with limited land, the Government has implemented measures to develop and improve high-quality agricultural land as the foundation of agricultural production, as well as measures to promote its efficient use.

145. Under the Soil Productivity Improvement Law, the Government has made efforts for maintenance and improvement of soil productivity, which exerts a significant influence on the improvement of agricultural productivity and on the assurance of a stable food supply.

146. The Government also adopts measures to improve agricultural productivity and to ensure a safe food supply through the automation of agriculture, the maintenance of fertilizer quality, and the appropriate use of agricultural chemicals.

147. The Government facilitates technical developments through intensive agricultural research and makes effort to improve the productivity of agriculture and the quality of agricultural products through the rapid and appropriate dissemination of agricultural technology.

148. The Government facilitates food quality improvements, along with smooth and appropriate distribution, through proper labelling of food products, construction of wholesale markets for perishable foodstuffs, and promotion of structural reform in the distribution sector.

149. The Government has realized a stable supply of staple foods, such as rice and wheat, for nationals through supply and demand control and stabilized prices under the Food Control Law. The Government enacted the Law for Stabilization of Supply-Demand and Price of Staple Food (hereinafter "the Staple Food Law") in December 1994 and abolished the Food Control Law as reforms of the domestic system for the implementation of the Marrakesh Agreement Establishing the World Trade Organization (WTO). Under the Staple Food Law, the Government makes efforts to stabilize the supply of staple foods such as rice and wheat.

150. To protect the livelihood of the nation from the undesirable effects caused by excessive changes in agricultural prices, the Government has adopted a price stabilization policy for agricultural products in accordance with the characteristics of each product and thus has achieved a stable food supply with stable prices.

151. The Government facilitates the safety and improvement of agricultural productivity through the elimination of outbreaks of plant pests and the prevention of the spread of diseases, and encourages the promotion of livestock breeding through the prevention of the outbreak and spread of infectious diseases.

(a) Influence of the environment and food production resources on the above measures

152. Rice paddies, the traditional basis of agricultural land in Japan, have a role in preserving the environment and the effect on the environment by increased use of materials and machinery in rice paddies has not yet been clarified. However, while the increased use of machinery and materials such as fertilizers and agricultural chemicals since the period of high growth has increased the productivity of agriculture, their adverse impact on the environment increases if used excessively. For example, there have been cases where nitrogen and phosphorus flow into lakes and ponds from agricultural land, which has led to deterioration of water quality.

153. Projects for agricultural land improvement, such as land readjustment and the development of agricultural drainage facilities, contribute to the maintenance of agricultural and environmental preservation, as a result of the increase in labour productivity and the continuation of agricultural land use. Furthermore, projects which take account of the agricultural ecosystem are being sought.

154. To ensure continuous and stable agricultural production, while at the same time maintaining and increasing the environmental preservation function of agriculture, Japan has recognized the need for the establishment of a harmonized environmental preservation-style agriculture policy (sustainable agriculture). This can be facilitated by minimizing the burden on the environment and promoting recycling in the agricultural sector.

(b) Reform of the agricultural land system

155. After the Second World War, between 1945 and 1946, Japan introduced the Agricultural Land Adjustment Law to increase agricultural productivity and to democratize farming by rapidly expanding the number of landed farmers. In 1946, Japan enacted the Law Concerning Special Measures to Create Landed Farmers, and thus thoroughly implemented agricultural land reform.

156. Under those laws, the Government expropriated a significant portion of the tenant-operated farms, which were owned by large landowners, and sold the land back to the tenant farmers. Cash payment for farm rents was also instituted. The Government enhanced the rights of tenant farmers by creating a permission system for the cancellation of rental contracts and by recognizing the right to request a reduction in farm rents. The system of municipal and prefectural agricultural committees, which played a central role in agricultural land reform as the primary administrative organization, was also revised. As a result, the selection of committee members by the bureaucracy was altered, and an election system was introduced. The structure of the committees was also reformed so that the opinions of tenant farmers could be reflected. Democratic agricultural reform was instituted in this way.

157. As a result of all these measures, the monopoly of large tracts of land by a small number of landowners came to an end. For example, agricultural land of about 1.9 million hectares was liberated by 1950, and the percentage of tenant farmland, which stood at 46 per cent before agricultural land reform, decreased to below 10 per cent.

158. In 1952, Japan enacted the Agricultural Land Law, which aims at sustaining the results of agricultural land reform. Under this law, Japan has made efforts to stabilize the status of farmers and increase agricultural productivity, through restrictions on the right to convert agricultural land and to own tenant farms, as well as through a system to stabilize the status of renters of agricultural land.

(c) Ensuring the safety of food

159. In order to ensure the safety of food, the following measures have been adopted in accordance with the Food Hygiene Law:

(a) Establishment of standards for foodstuffs, additives, equipment and packaging;

(b) Inspection and guidance by food hygiene inspectors;

(c) Reinforcement of the self-management system by the food hygiene supervisor; and,

(d) Enforcement of the license system for 34 food-related types of businesses (restaurants, etc.).

(d) Consideration of national nutrition

160. Compared to the traditional eating pattern based on rice, fish and vegetables, dietary habits in Japan at the present time are diversified and, on the whole, balanced with the addition of various foods such as meat, milk, other dairy products and fruit. The fat content, however, may exceed the recommended caloric rate in the future, and unbalanced nutrition has been noted in some individuals and age groups. As a result, the Government established the Japanese-style New Dietary Guidelines in 1990 to promote a balanced diet and has been making efforts to disseminate it.

161. In order to improve the nutrition of nationals, the Government conducts an annual national survey to determine dietary intake, based on the Nutrition Improvement Law, and revises the recommended dietary intake every five years. Moreover, qualified dietitians are posted at public health centres to provide guidance for both individuals and mass-catering facilities. Nutrition guidance is also included in the health education and health consultation programmes which are carried out by local governments for persons over 40 years of age under the Law Concerning Health and Medical Services for the Aged.

162. To disseminate information on the principles of nutrition, the "Dietary Life Guidelines for a Healthy Life" were compiled in a form easily understood by the nation. Furthermore, in order to cope with increased dining-out and the use of processed foods, the Government promotes voluntary nutritional labelling by restaurants and food processors.

(e) Measures to ensure globally fair food distribution

163. In some parts of the developing world, especially in low-income countries, there are countries experiencing a considerable amount of malnutrition among their population. In response to this situation, Japan has actively promoted international cooperation to ensure a secure and stable food supply in developing countries, especially in the agricultural sector. Japan has contributed to the improvement and stabilization of the lives of farmers, who comprise over half the population, and to the reduction of food shortages in developing countries.

164. Japan has founded the Japan International Research Centre for Agricultural Sciences (JIRCAS) as a national organization to conduct research related to agriculture, forestry and fisheries in developing countries and to collaborate in international research through the dispatch and invitation of researchers.

3. Right to adequate housing

165. The following tables contain statistical data on housing:

Table 15

Changes in the number of houses, rate of house ownership and vacancy rate

	1968	1973	1978	1983	1988	1993
Total number of houses (1,000)	25 591	31 059	35 451	38 607	42 007	45 879
Total number of households (1,000)	25 320	29 651	32 835	35 197	37 812	41 159
Number of houses per household	1.01	1.05	1.08	1.10	1.11	1.11
Rate of house ownership	60.3%	59.2%	60.4%	62.4%	61.3%	59.8%
Number of houses with residents (1,000)	24 198	28 731	32 189	34 705	37 413	40 773
Vacant houses (1,000)	1 034	1 720	2 679	3 302	3 940	4 476
Vacancy rate	4.0%	5.5%	7.6%	8.6%	9.4%	9.8%

Note 1: Based on the Housing Statistics Survey by the Statistics Bureau of the Management and Coordination Agency.

Note 2: Okinawa prefecture is not included in the figures for 1968.

Table 16

Changes in the total floor area per housing based on the type of housing (m^2)

	Overall	Owned	Rented			
			Public land	Public corporation	Private	Company residence
1968	73.86	97.42	37.78		34.13	53.56
1973	77.14	103.09	39.49		36.01	53.86
1978	80.28	106.16	41.52	43.32	37.02	55.33
1983	85.92	111.67	44.90	44.67	39.19	57.28
1988	89.29	116.78	47.00	44.84	41.77	56.07
1993	91.92	122.08	49.44	46.66	41.99	56.35

Note: Based on the Housing Statistics Survey by the Bureau of the Management Coordination Agency.

Table 17

Sanitation facilities and the deterioration of housing

	Number of houses (1988)	Number of houses (1993)
Total number of houses	37 413 000 (100.0%)	40 773 000 (100.0%)
Housing without bath	2 837 000 (7.6%)	1 936 000 (4.7%)
Housing which is dangerous or impossible to repair	133 000 (0.4%)	153 000 (0.4%)

Note 1: Based on the Housing Statistics Survey by the Statistics Bureau of the Management and Coordination Agency.

Note 2: The figures for 1993 are preliminary figures.

Table 18

Type of occupation based on the period of housing construction

Period of construction	Total number	Owned	Rented			
			Public land	Public corporation	Private	Company residence
-1944	2 144 300	1 798 300	2 600	-	325 100	18 200
1945-1950	824 500	629 600	9 300	-	173 400	12 100
1951-1960	2 373 100	1 542 900	144 100	73 700	515 000	97 400
1961-1970	6 489 000	3 705 600	533 800	318 900	1 491 000	439 700
1971-1975	6 236 600	3 815 400	442 200	203 700	1 432 400	342 900
1976-1980	6 293 900	4 276 300	346 500	116 600	1 300 100	254 400
1981-1985	5 392 100	3 433 800	251 200	60 500	1 412 700	233 800
1986-1988	3 853 900	1 956 600	134 000	27 300	1 539 800	196 200
1989	1 734 000	840 600	38 800	8 300	757 100	89 200
1990	1 395 300	675 300	37 100	8 300	575 100	99 700
1991	1 217 100	607 000	35 200	13 500	449 500	112 000
1992	1 078 400	569 900	31 200	7 000	371 700	98 600
1993 (Jan.-Sept.)	785 000	428 700	26 800	6 700	275 500	47 300

Period of construction	Total number	Owned	Rented			
			Public land	Public corporation	Private	Company residence
Period unknown	956 300	96 500	300	500	143 900	9 100
Total number of houses	40 773 300	24 376 200	2 033 000	845 000	10 762 400	2 050 500

Note: Based on the Housing Statistics Survey by the Statistics Bureau of the Management and Coordination Agency.

166. There are no statistical data on homeless people, illegal residents or evictions. In addition, there is no payment capacity limit on housing costs determined by the Government.

(a) Laws concerning housing and living

167. The Civil Code stipulates the details of ownership and leases. The Land-Lease and House-Lease Law provides specific provisions concerning leasing of buildings. (The Land-Lease and House-Lease Law unifies the former Lease-Land Law, Lease-House Law, and Law Concerning Building Protection and came into force on 1 August 1992.)

168. As for the improvement of the people's standard of living, under the comprehensive housing construction programme, which is established every five years based on the Housing Construction Planning Act, the Government implements various measures to promote housing construction and to improve the housing stock according to the following laws:

(a) The Public-Operated Housing Act, which aims to provide low-rental housing for low-income earners in need of housing by national and local governments together;

(b) The Housing and Urban Development Corporation Act, which stipulates the establishment of the Housing and Urban Development Corporation. It conducts urban redevelopment and provides apartments and large-scale residential land in metropolitan areas and other areas that require improved housing conditions;

(c) The Local Housing Supply Corporations Act, which stipulates the establishment of Local Housing Supply Corporations. It provides workers with houses or residential land with a favourable living environment, by making use of the purchaser's savings as well as other loans;

(d) The Housing Loan Corporation Act, which stipulates the establishment of the Housing Loan Corporation. It finances long-term and low-interest loans for housing construction and purchase when the other usual financial institutions are unable to accommodate such requests;

(e) The Residential Areas Improvement Act, which stipulates renewal projects to improve the living environment in areas where sub-standard housing is concentrated; and,

(f) The Act for Facilitating Supply of Specific Good Quality Rental Housing, which aims to improve the supply of rental housing for middle-income earners by aiding landholders in constructing good quality rental housing.

169. Under the Act for Planning the Utilization of National Land, the Utilization of National Land Plan is determined by the national Government while the Land Usage Basic Plan, including the designation of urban, agricultural and preservation areas, is determined by prefectural governors.

170. The Land-Lease and House-Lease Law provides the minimum period for land-lease contracts, limits cases when a lessor of land or a house can refuse to renew a lease contract, and limits cases when a lessor of a house can request evacuation. In addition, special agreements which violate the provisions of this law and are not beneficial to tenants are regarded void. As such, this law is designed to protect tenants.

171. The Housing Loan Corporation Act stipulates that rents must be less than the amount calculated under this Act for rental housing constructed with loans from the Housing Loan Corporation (unilateral peremptory rule).

172. The Land Basic Law stipulates that land should not be used for speculative transactions. The Act for Planning the Utilization of National Land stipulates the measures concerning the regulation of land transactions, which prevent damage to the nation from speculative transactions and land price increases.

173. The Building Standards Law stipulates the minimum standards for site, structure, utilities and use of the building, for the purpose of protecting the lives, health and property of nationals.

174. The Housing Construction Programme Law stipulates the establishment of the comprehensive housing construction programme every five years to promote the construction of good quality housing and a good living environment. In addition, the Law Concerning the Securing of Sanitary Buildings stipulates that building environment sanitation management technicians shall maintain and manage buildings based on certain standards to ensure the hygienic environment of buildings such as stores and apartment buildings used by large numbers of people.

(c) Other measures adopted to realize the right to housing

175. As part of the Comprehensive Community Environmental Improvement Projects, which aims to support the voluntary development and improvement of the living environment by community residents, the Government provides subsidies for projects such as the widening of narrow streets, which are conducted by Living Environment Development Associations established by community residents.

176. Along with measures under the various laws mentioned in paragraph 168, comprehensive housing measures have been implemented based on the Housing Construction Five Year Programme (currently the seventh plan). These measures include the appropriate supply of public rental housing, provision of loans to acquire housing, and the supply of high-quality private housing through interest subsidies.

177. Local governments provide improved housing for residents facing housing difficulties by implementing projects such as the Residential Area Renewal Project and the Community Living Environment Development Project. The former aims to improve areas where sub-standard housing is concentrated, while the latter aims to improve housing conditions and the environment in areas that have deteriorated because of the concentration of sub-standard housing and small residential lots.

178. Under the Act for Planning the Utilization of National Land, effective and appropriate use of idle land has been promoted through advice, recommendations, and discussions on purchasing land.

179. The budget for housing in fiscal year 1996 was 1,161,288 million yen, which was approximately 1.5 per cent of the general account.

G. Article 12

1. Data related to the health conditions of citizens

180. Refer to WHO Regional Office for the Western Pacific, "Western Pacific Region Data Bank on Socioeconomic and Health Indicators, December 1995".

2. Health policy

(a) Prevention, treatment and control of disease

181. Infectious disease control To prevent infectious diseases, countermeasures against the sources and paths of infection are implemented under the Infectious Disease Prevention Law. For example, physicians have an obligation to report cases of infectious diseases, medical examinations, confinement, and decontamination or disposal of contaminated articles. The routine and emergency preventative immunization against seven diseases such as poliomyelitis and diphtheria is implemented under the Prevention Vaccination Law. As a result of these measures, the incidence of infectious diseases such as typhoid fever and paratyphoid fever has decreased to less than one twentieth of the level of the year in which the incidence of these diseases was highest after 1950. Poliomyelitis, in particular, has been virtually eliminated.

182. In order to prevent the invasion of pathogens which are not normally found in Japan, quarantine is implemented under the Quarantine Law.

183. The Government endeavours to prevent tuberculosis through health examinations, vaccination, prohibition of workers from engaging in certain

occupations, and compulsory confinement and/or hospitalization. As a result of those measures, the number of newly registered tuberculosis cases per year has decreased to approximately 42,000.

184. Although the number of people who have contracted AIDS remains small in Japan, the number is steadily increasing. Based on the "AIDS Problem Countermeasures Outline" (as determined by the Cabinet Ministers' Conference on 24 February 1987, revised on 19 March 1992), the Government has been making efforts to prevent the possibility of AIDS contraction and to disseminate accurate information on AIDS.

185. Prevention of chronic degenerative diseases. In accordance with the Law Concerning Health and Medical Services for the Aged, which came into force in February 1983, the Government provides health services to prevent circulatory diseases, cancer and diabetes. These health services include health education, health consultation, health exams and various other services.

186. Measures for the prevention of occupational diseases. In order to prevent occupational diseases, Japan has promoted various measures since 1953 through the formulation of Industrial Injury Prevention Programmes. The eighth Programme (covering fiscal year 1993 through fiscal year 1997) has decided to take the following measures:

(a) Measures to prevent diseases caused by harmful materials such as toxic chemicals; and,

(b) Measures to prevent diseases caused by physical factors such as ionizing radiation and working conditions.

(b) Guarantee of adequate medical services

187. Medical care supply system. Japan's medical care system has been arranged to ensure effective provision of high-quality and appropriate medical care which responds to the patient's physical and mental condition. As a result, the necessary number of beds and doctors has been secured throughout the nation.

188. Since fiscal year 1986, the prefectures have created and implemented medical plans in response to community conditions, in cooperation with those who are involved in medical care. With regard to occupations related to medical care such as doctors and nurses, training and assurance of their quality are promoted through the nation's qualification systems. In addition, the Government makes efforts to enhance clinical training for licensed doctors as a means to foster the training of highly qualified doctors who can provide well-rounded treatment.

189. The Government provides necessary subsidies to hospitals providing unprofitable or advanced medical services such as those in remote rural areas and those providing emergency care, cancer treatment and treatment for children.

190. The Government has promoted various measures with a view to guaranteeing medical care for those living in remote areas based on annual plans since

fiscal year 1956. For example, measures such as the provision of core hospitals for remote areas, support to hospitals and clinics for medical care in remote areas, the maintenance of mobile clinics, the supply of doctors to remote areas and the development of a patient transportation system have been promoted.

191. In order to secure emergency medical services for local residents on holiday or at night, the Government has promoted since fiscal year 1977 the systematic construction of an initial, second and third emergency medical service system and an emergency medical information centre. In addition, the Government has made efforts to ensure proper medical service at first-aid scenes and during transportation of patients. For example, the system of emergency life-saving technicians was introduced in fiscal year 1991.

192. Table 19 shows changes in the number of doctors, hospitals and beds.

Table 19

Number of doctors, hospitals and beds, 1991-1995 (per 100,000 population)

	1991	1992	1993	1994	1995
Doctors	-	219 704	-	230 519	-
	-	176.5	-	184.4	-
Hospitals	10 066	9 963	9 844	9 731	9 606
	8.1	8.0	7.9	7.8	7.7
Clinics	82 118	83 394	84 128	85 558	87 069
	66.2	67.0	67.4	68.5	70.0
Hospital beds	1 685 589	1 686 696	1 680 952	1 677 041	1 699 951
	1 358.9	1 353.3	1 347.3	1 341.3	1 367.6
Clinic beds	271 780	270 618	265 083	262 273	259 245
	219.1	217.4	212.5	209.8	208.6

193. Medical care security system. Refer to article 9 in the present report regarding the outline of the medical care insurance system. Every citizen receives benefits from one of these medical care insurance schemes. In this section, public medical care, which is another major medical care security system in Japan, is outlined.

194. Medical assistance based on the Daily Life Security Law, Japan's public assistance law, includes the provision of hospitalization, health examinations, medication, injections and surgical operations, for those who need such assistance owing to their financial situation. Medical assistance benefits under medical care assistance are provided in accordance with the medical service guidelines of the National Health Insurance Law and the Law Concerning Health and Medical Services for the Aged. In this way, almost the same medical care as that provided by medical insurance is guaranteed.

195. Under the General Plan Concerning Measures for Intractable Diseases, which was enacted in 1972, the Government promotes extensive research projects on diseases for which there are no really effective remedies at present, such as Bechet's disease and myasthenia gravis. The Government subsidizes medical treatment to reduce the financial burden of the patient's medical care. Moreover, with regard to chronic diseases that interrupt the growth of children and require a long period of treatment and high medical costs, medical care costs are subsidized in the form of remedy research projects to promote the establishment and dissemination of medical care.

196. According to the law concerning mental health and welfare for the mentally disabled, the Government pays the part of the medical expenses for patients hospitalized on the orders of the prefectural governors and for outpatients.

197. In Japan, the policy for mental health and welfare for the mentally disabled has been changing from a system of hospitalization in mental hospitals to a system of community care. In 1988, the Government enacted the Mental Health Law, which superseded the existing Mental Hygiene Law, to provide mentally disabled persons with more protection and rehabilitation. The Government amended this law in 1995 to improve measures for the welfare of the mentally disabled and regional mental health and to secure proper mental treatment, and thus changed the law's name to the Law Concerning Mental Health and Welfare for the Mentally Disabled.

198. As measures for the rehabilitation of the mentally disabled, the Government subsidizes the construction and management of rehabilitation institutions and provides counselling by doctors and social workers at health centres and centers for mental health and welfare for the mentally disabled.

199. The Government implements measures such as health examinations for the detection of tuberculosis, vaccinations, the reporting of new cases, and medical care services to prevent and treat tuberculosis, in accordance with the Tuberculosis Control Law. The number of newly registered tuberculosis patients in Japan has decreased year by year after the registration of new cases began in 1961.

200. In accordance with the Law for the Welfare of Physically Disabled Persons, medical care for rehabilitation is provided to improve vocational aptitudes and facilitate the everyday lives of those with physical disabilities by removing or reducing such disabilities. For children who suffer from physical disabilities or diseases that might cause disabilities if left untreated, medical care is provided, based on the Child Welfare Law, in cases where the elimination or reduction of the disability can be expected through treatment.

201. In addition to the measures mentioned above, public medical care services include medical care for atomic bomb victims based on the Law Concerning Relief for Atomic Bomb Victims, and medical care for those with infectious diseases based on the Infectious Diseases Prevention Law.

(c) Health promotion

202. The Government has promoted the National Health Promotion Movement (the Active 80 Health Plan) since 1988 to establish healthy living practices in terms of nutrition, exercise and rest, adding measures to take exercise and rest as a part of people's lives to existing measures to enhance people's lives.

203. The Medium- and Long-term Plan Concerning Health Promotion and Disease Prevention, which aims to extend healthy life expectancy and improvement of quality of life (QOL), will be drawn up in the fiscal years 1998 and 1999.

204. Under the Law Concerning Health and Medical Services for the Aged, which entered into force in February 1983, the Government provided those aged 40 and over with comprehensive health and medical services, including preventive care, medical treatment and rehabilitation to ensure the health of the aged. These medical services were provided based on the first and second five-year Health Service Programmes. The Government inaugurated the third Health Service Programme in 1992, which aims at a significant reduction of the death rate caused by the three major degenerative diseases namely cancer, heart disease, and cerebral apoplexy, and of the number of bed-ridden elderly people. Medical services to this end have thus become even more effectively provided since then.

205. Medical care insurance providers, such as health insurance providers, actively provide the necessary health services to maintain and improve the health of insured persons. These services include health education, health counselling, as well as health examinations.

(d) Improvement of environmental hygiene

206. Waste disposal. Under the Waste Disposal and Public Hygiene Law, all solid and liquid waste, other than radioactive materials, are classified into two categories: industrial waste and general waste. Municipal authorities (cities, towns and villages) are responsible for the management and disposal of general waste, including human waste, and for establishing a general waste disposal plan for their respective area. Although, in principle, the person or entity generating industrial waste is responsible for its disposal and proper management, the prefectural governors draw up master plans for industrial waste management. All operations, such as collection, transportation, treatment and final disposal of waste, must comply with legal standards. The national Government provides local governments with financial and technical assistance for the construction of general waste treatment and disposal facilities.

207. Waterworks. Water utility companies which are authorized under the Waterworks Law supply water in conformity with the standards for drinking water quality set forth in the Law. Japan formed the Fresh Water Programme in 1991, whose goal is to provide clean drinking water nationwide by the twenty first century. The Government subsidizes the construction and operation of waterworks such as area-wide water-supply systems, which tend to be exceptionally costly because of their nature and large scale.

208. Sewerage. Under the Sewerage Act, local governments such as municipal authorities (cities, towns and villages) and prefectures are responsible for the construction and maintenance of sewerage facilities. Sewers support environmental hygiene by draining waste water from households and industries quickly. The Sewerage Act prescribes that waste water should be treated by sewage purification plants to preserve the quality of public bodies of water. Sewers also drain storm water and protect urban areas from being damaged by flooding. The Government provides local governments with financial and technical assistance for the construction of sewerage facilities because the construction of sewers is expensive.

(e) Improvement of industrial sanitation

209. The Industrial Safety and Health Law, the Working Environment Measurement Law, the Pneumoconiosis Law and the rules based on these laws such as the Ordinance on Industrial Safety and Health, the Ordinance on the Prevention of Organic Solvent Poisoning, the Ordinance on the Prevention of Hazards due to Specified Chemical Substances and the Ordinance on the Prevention of Anoxia were enacted in order to ensure the health of workers in the workplace and to establish suitable environmental working conditions.

3. International assistance

210. International assistance in the health and medical field means assistance for basic human needs in developing countries and is defined as the core of the international cooperation provided by Japan. Japan contributes to human resources development mainly by technical cooperation such as dispatch of experts and the acceptance of trainees, and provides assistance for basic infrastructure through grant and loan aid. Japan also plays an active role in multinational cooperation and in cooperation with international organizations such as WHO.

H. Article 13

1. Right to education

(a) Primary and lower secondary education

211. In Japan primary and lower secondary education is compulsory. Under article 26 of the Constitution, article 4 of the Fundamental Law of Education and articles 6, 22 and 39 of the School Education Law, the first nine years of general education (six years of primary and three years of lower secondary education) are compulsory. Compulsory education provided by national and public schools is provided free of charge.

212. In order to maintain a national education level, the School Education Law stipulates goals for each stage of education. In addition, Japan sets the standards for education at elementary and junior high schools (School Education Law Execution Regulations and Study Instruction Manual). Standard annual lesson hours for each subject for elementary and junior high schools are determined by the School Education Law Execution Regulations.

213. Textbooks used for compulsory education at private schools as well as at national and public schools are provided free of charge by the national Government (Law Concerning Free Textbooks in Compulsory Education Schools).

214. Municipal authorities (cities, towns and villages) provide those who have difficulty continuing their compulsory education because of their financial situation with assistance to cover such expenses as stationery, commuting, school excursions, school lunches, etc. The national Government subsidizes this assistance, and by doing so strives to secure school attendance by all children and the smooth implementation of compulsory education.

215. In order to secure the necessary number of teachers and other personnel for compulsory public education schools throughout the nation and to eliminate any imbalance in salary levels and numbers of teachers and other personnel among prefectures, the national Government has set legal standards for class sizes and staffing levels for teachers and other personnel and pays half of the salary expenses of school employees, in principle to improve equal opportunity for education and to maintain the education level nationwide. As a result, those who receive primary and lower secondary education represent 99.98 per cent of the applicable age group (as of May 1997).

216. Furthermore, children of foreign residents in Japan have the opportunity to receive primary and lower secondary education free of charge in national and public schools. As of May 1997, the number of foreign students attending elementary and junior high schools throughout Japan was 76,260, 73,607 of them receiving education at public schools.

217. When the children of foreign residents in Japan receive a Japanese school education, it is important to provide substantial Japanese language education. According to a survey conducted in September 1997, the number of foreign students who needed Japanese language training at public elementary, junior high and high schools in Japan was 17,296. Enhanced measures such as special Japanese lessons have been provided for these students. The learning of mother tongues for foreign students is not authorized as a required subject at primary and lower secondary schools; however, it can be provided as an extra-curricular activity, and this has taken place in some schools.

(b) Higher secondary education

218. It is, in general, possible for all people to receive higher secondary education (including technical and vocational education) in Japan. Under the School Education Law, all students who have graduated from a lower secondary or an equivalent school, or whose academic achievement is recognized as being equivalent or higher in accordance with the criteria laid down by the relevant authorities, are qualified to be admitted to upper secondary schools, without discrimination of any kind based on sex, race, nationality, etc. As many as 96.8 per cent of lower secondary school graduates entered upper secondary schools in 1997. The standards for higher secondary education are determined by the Government in the same way as they are for primary and lower secondary schools.

219. The content of education varies in order to accommodate the diversified capabilities, aptitudes, interests, and the future career paths of individual students. Some higher secondary schools provide middle-level technical and vocational education. In addition, night schools and correspondence courses are offered for working people regardless of their age. Refer to section 2 below concerning the introduction of free higher secondary education.

(c) Higher education

220. The opportunity to receive higher education is provided equally to all people in Japan. Under the School Education Law, those who have graduated from high school, or who have completed 12 years of school education in a regular curriculum, or those students who are recognized as being equivalent or higher in academic achievement in accordance with the criteria laid down by the competent authorities, are qualified to enter institutions of higher education, without discrimination of any kind based on sex, race, nationality, etc.

221. Japan established the University of the Air in 1983 with a view to providing opportunities for people to receive higher-level education through the introduction of a new type of university education system making effective use of broadcasting. In this way, higher education which uses diversified media forms, mainly television and radio, has been implemented.

222. Furthermore, the opportunity to receive education is provided to all people through periodical extension lectures open to the public by universities and colleges.

223. For those who have the capability but have difficulty in attending school because of their financial situation, the Japan Scholarship Foundation awards grants and loans in accordance with the provisions of the Japan Scholarship Foundation Law. Local governments and non-profit organizations for the benefit of the public also engage in scholarship activities. In addition, national, public and private universities offer a reduction of school tuition for such students, depending on their financial situation. Refer to section 2 below concerning introduction of free higher education.

(d) Basic education

224. No special measures are needed in the area of basic education since all but a very small number of infirm people who are unable to go to ordinary schools receive a basic education. When students who have not completed the regular curriculum wish to enter a higher-level school, the opportunity is guaranteed through an academic recognition examination system.

225. Although there are no figures showing the rate of illiteracy in Japan, this rate is considered to be extremely low.

2. The introduction of free higher secondary education and higher education

226. In Japan, a high percentage of students attend private schools for their secondary and higher education. Students of public schools are required to

pay a reasonable share from the point of view of equalizing the payment burden. The introduction of free education, including the private school system, is an issue related to the fundamental principles of the private school system. Therefore, Japan has reserved the right not to be bound by the provision "in particular by the progressive introduction of free education" as stipulated in article 13, paragraph 2 (b) and (c), of the Covenant.

227. However, in order to ensure the opportunity to receive education, the Japan Scholarship Foundation and local governments provide scholarships and take measures to reduce school tuition for students having difficulties in receiving education because of financial reasons.

228. Of the total national and local expenditures, 16.55 per cent were spent for education in 1995.

3. Treatment of teaching staff

229. In recognition of the fact that good education in school ultimately depends upon the character and ability of the individual teacher, the Law Concerning Special Measures for the Securing of Capable Educational Personnel in Compulsory Education Schools for the Maintenance and Enhancement of School Education Standards was enacted in 1974 to attract and keep capable teachers. This law provides the necessary measures to ensure that teachers of compulsory education schools are better paid than other public employees. Based on this law, planned improvements were implemented between 1974 and 1979, and other necessary improvements have continued to be made.

230. The Law for the Promotion of Education in Isolated Areas requires that local governments take the necessary measures to promote education in those areas by improving the situation of teachers working in isolated areas such as in mountain villages and on remote islands where transportation and natural, economic and cultural conditions are difficult. The national Government subsidizes a portion of the cost of these measures.

4. Private schools

231. The School Education Law permits the establishment of private universities, which account for 73.7 per cent of four-year universities in Japan (as of 1994). Private schools are established by the school juridical person, and the establishment of a school juridical person and a university requires the permission of the Minister of Education. As mentioned in section 1 above, all people who graduate from private or public high schools are qualified to enter an institution of higher education without any discrimination based on sex, race, nationality, etc. For those with the ability but who have difficulty attending school because of financial reasons, scholarships are granted through the Japan Scholarship Foundation, local governments and non-profit organizations for the benefit of the public. Private universities also offer a reduction in school tuition, depending on the financial situation of the student. Furthermore, the national Government has subsidized the expense of private universities (including junior colleges) since 1970, which controls tuition fee increases and contributes to an improved level of academic standards.

5. International cooperation in the field of education

232. Promoting international cooperation in the field of education is very important for the improvement of the education and research level in both Japan and foreign countries, as well as for creating a spirit of international understanding and cooperation and for contributing to human development in foreign countries.

233. Japan actively promotes the acceptance of foreign students at higher educational institutions in Japan to further develop cooperation in the education field and to contribute to the development of human resources in developing countries. In addition, assistance is provided through such means as cooperation with UNESCO projects, loan aid mainly for infrastructure, and dispatching of university professors, acceptance of foreign researchers, and training for female education administration officers as a part of Japan International Cooperation Agency (JICA) and Japan Foundation projects.

I. Article 14

234. As stated in the part under article 13 of this report, free and compulsory primary education in Japan has long been guaranteed under the Constitution, the Fundamental Law of Education and the School Education Law.

J. Article 15

1. Right to take part in cultural life

235. In Japan, vigorous measures to promote the arts and culture, to preserve cultural properties, to promote Ainu culture and to promote social education are implemented under a national policy of promotion and encouragement of people's cultural activities. Related laws enacted in Japan include the Law Concerning the Improvement of the Learning Environment for the Promotion of Music Culture, the Law for Annuities for Persons of Cultural Merit and the Order of Culture Law, under which cultural activities of various kinds are encouraged and those who have provided distinguished service in the area of culture and its promotion are honoured. The Government has also enacted the Law for the Protection of Cultural Properties and the Law for the Promotion of the Ainu Culture and for the Dissemination of and Advocacy for the Traditions of the Ainu and the Ainu Culture. In addition, Japan has made efforts to promote systematic educational activities for adults outside of formal educational institutions by enacting the Social Education Law, which is complemented by the Library Law and the Museum Law. The following measures have been implemented to realize the right of everybody to take part in cultural life.

(a) Financial measures

236. The following financial measures have been taken to promote cultural development and public participation in cultural life:

(a) Assistance through the Arts Plan 21;

(b) Subsidies for artistic and cultural activities through the Japan Arts Fund;

(c) Permission for the establishment of non-profit organizations for the benefit of the public whose main activities include the promotion and improvement of art and culture, especially those which provide subsidies; and

(d) The National Cultural Festival and the National Culture Festival for Upper Secondary Schools.

(b) Establishment of cultural facilities

237. The national Government subsidizes the equipment of cultural facilities constructed by local governments and also subsidizes a portion of the cost of equipment for community halls, public museums (including art museums) and public libraries. As of 1996, there were 17,819 community halls, 986 museums, 2,396 libraries, and 1,549 cultural halls.

238. The Government has established four national art museums (the National Museum of Modern Art, Tokyo; the Kyoto National Museum of Modern Art; the National Museum of Western Art; the National Museum of Art, Osaka) to enable the public to view outstanding art pieces and other materials, and to conduct research and other art-related projects.

239. The New National Theatre, Tokyo, has been established with a view to facilitating the creation, promotion and spread of modern theatrical arts.

(c) Encouragement in establishing cultural identity

240. Some folk arts with their regional characteristics have been designated as important material and non-material cultural properties, and activities related to their preservation and utilization are subsidized, including the repair and purchase of tools, as is their documentation.

(d) Promotion of Ainu culture

241. To preserve and hand down Ainu folk cultural properties, important tangible and intangible folk cultural properties are designated as such. The national Government subsidizes the costs for the Hokkaido Board of Education to survey and film Ainu folk cultural properties and conducts other activities to promote the traditional Ainu cultural heritage.

242. Furthermore, "The Round Table on the Policy for the Ainu People", established in March 1995 under the Chief Cabinet Secretary, duly completed a report in April 1996, which advises the Government on the necessity of new measures for the Ainu people. Receiving the report, the Government started consideration of new measures and enacted the Law for the Promotion of the Ainu Culture and for the Dissemination of and Advocacy for the Traditions of the Ainu and the Ainu Culture in May 1997; it came into force in July 1997. A legally incorporated foundation, The Foundation for Research and Promotion of Ainu Culture, which conducts projects for promotion of Ainu culture, was established in June 1997 and was appointed a Designated Corporation based on the Law in November 1997.

243. In order to facilitate promotion of Ainu culture by actively promoting measures for the promotion of Ainu culture through support to the Corporation, the Government has been making efforts for the realization of a society where the pride of the Ainu people as a race is respected and for the development of a multifaceted culture in Japan.

(e) Role of the mass media and communications

244. In Japan, Nippon Hoso Kyokai (NHK, Japan Broadcasting Association), which operates on fees paid by the public, allots one of its channels for school and social education (NHK Education Channel).

(f) Protection of cultural property

245. The Law for the Protection of Cultural Properties defines the following five categories as cultural property: tangible and intangible cultural properties, folk cultural properties, monuments, and preservation districts for groups of historic buildings; it also protects the traditional techniques for conservation of cultural properties and buried cultural properties.

246. The Government designates important property of cultural value as national treasures, important cultural properties, historic sites, places of scientific beauty and/or natural monuments, etc. The Government subsidizes the preservation, repair and public ownership of tangible cultural properties, while it subsidizes training for the next generation of performers and the recording of those properties as intangible cultural properties. In this way, necessary measures to protect important cultural properties are taken.

247. At present, "Himeji-jo", "Buddhist Monuments in the Horyuji Area", "Historic Monuments of Ancient Kyoto (Kyoto, Uji and Otsu cities)", "Historic Villages of Shirakawa-go and Gokayama", "Hiroshima Peace Memorial (Genbaku Dome)", and "Itsukushima Shinto Shrine" are on the World Heritage List, which is based on the Convention for the Protection of the World Cultural and Natural Heritage which Japan adhered to in 1992. Japan has taken the necessary measures to preserve these sites.

(g) Specialized education in culture and art

248. Various specialized forms of art education are provided at universities and junior colleges. As of 1997, the number of university faculties related to art, such as art and music faculties, was 52, and the students attending these faculties numbered approximately 62,000. The number of departments related to art at junior colleges was 81 and the students attending these faculties numbered 22,000.

(h) Other measures for the protection, development and dissemination of culture

249. These measures include:

(a) Training of artists;

(b) Dispatch of instructors for artistic and cultural activities; training for employees of public cultural facilities;

(c) Establishment of a system of awards and privileges for those who make outstanding contributions to the development of culture (medals, awards for persons of regional cultural merit, awards by the Commissioner for Cultural Affairs, encouragement awards by the Minister of Education, establishment of the Japan Arts Academy);

(d) Providing opportunities to appreciate art (various performance tours, exhibitions on tour at national museums and art museums);

(e) Supporting works regarded to be worthy of promotion such as activities in the field of fine arts or the preservation of cultural assets;

(f) Providing favourable tax treatment to non-profit organizations for the benefit of the public related to art and culture; and

(g) Providing favourable tax treatment to Government-designated cultural properties.

2. Right to enjoy the benefits of scientific progress and its application

(a) Promotion of scientific research

250. Full respect for the independence of researchers is indispensable so that scientific research can be truly fruitful. Towards this end, article 21 (Freedom of expression) and article 23 (Freedom of learning) of the Constitution guarantee the right to research, publish, and teach.

251. Universities are the centre of scientific research in Japan. Under the National Schools Establishment Law, national universities and affiliated research institutes, education and research centres attached to university faculties and inter-university institutes have been established. In addition, under the Private School Promotion Subsidy Law and the Law Concerning National Assistance for Research Equipment at Private Universities, the Government subsidizes a part of the cost of research conducted at private universities.

252. In addition, the Government carries out a multifaceted policy as follows: expanding scientific research grants which are the basic research expenses for the promotion of scientific research; setting up a system to use capital investment given to the Japan Society for the Promotion of Science for projects to promote scientific research; securing and training a sufficient number of young researchers through improvement of the graduate schools responsible for educating researchers and enrichment of the fellowship system in line with the programme to support 10,000 post-doctoral fellows; emphasizing promotion of basic research; improving and expanding research facilities; improving and expanding the Scientific Information Systems (SIS) such as the National Centre for Science Information Systems (NACSIS); and promoting international academic exchanges such as research exchanges. Furthermore, as part of the promotion of basic research to create new technologies, the Government financially supports the Japan Science and

Technology Corporation to establish and expand a basic research promotion system in which researchers at such institutions as national research institutes and universities can apply for funding on a competitive basis. Japan also actively carries out international joint research projects for international research exchange at national research institutions through the Special Coordination Funds for Promoting Science and Technology, and implements programmes such as the Fellowship Programme at the Japan Science and Technology Corporation.

253. Furthermore, the Japan Society for the Promotion of Science, as a special corporation established under the Law Concerning the Japan Society for the Promotion of Science, implements various projects for the promotion of science, such as assisting scientific research, granting researchers and promoting international cooperation in academic fields. The Law Concerning the Japan Society for the Promotion of Science was amended in May 1996 and has inaugurated research projects in the creative sciences, through capital investment from government contributions.

254. Furthermore, the Government takes financial measures to assist the Japan Academy by which to honour and award scientists for distinguished achievement in their respective field.

(b) Dissemination of related information

255. In Japan, the results of academic and scientific research are published by academic societies and applied in industry and for other practical applications.

256. The Government makes efforts to spread academic information by subsidizing various scientific periodicals published by academic societies and lectures for youth and the general public. The Japan Science and Technology Corporation (JST), established through the consolidation of the Japan Information Centre of Science and Technology (JICST) and the Research Development Corporation of Japan on 1 October 1996) offers an on-line information service to promote the distribution of information on science and technology, taking over the JICST's role as the key provider of Japanese scientific and technical information. To improve the infrastructure for the international dissemination of scientific and technical information, the JST took over the international scientific and technical information network (STN-International), which was put into service in 1987 and links the JICST to the Chemical Abstracts Service in the United States as well as to FIZ Karlsruhe in Germany. In addition, Japan opened the Machine Translation Centre for Japanese Science and Technology Literature in the United States in May 1996 under the Japan-United States Science and Technology Agreement and is planning to disseminate domestic scientific and technological research information to countries in the Asian-Pacific region. These facts clearly indicate that the Government is vigorously dispatching information abroad.

257. Moreover, the Government makes efforts to provide the public with information through research on related fields, collection and preservation of materials, and public exhibitions at the National Science Museum, the National Museum of Ethnology and the National History and Ethnology Museum.

(c) Preservation of natural property and natural environments

258. Under the Nature Conservation Law, the Government conducts surveys to understand the natural environment of the nation, designates nature conservation areas, and manages such areas to preserve the natural environment appropriately.

259. The Government also designates and manages natural parks based on the Natural Parks Law to conserve and properly use the prominent natural landscapes, including those regions which have great academic value. The area covered by the National Parks Law amounted to 5,330,000 hectares in 1994, which is 14 per cent of the total land area of the nation.

260. Furthermore, to protect animal and plant life and preserve the natural environment through the preservation of primitive forests, Japan designates and manages a significant part of the national forests as protected forests such as the Forest Ecosystem Reserves.

261. "Yakushima" and "Shirakami-Sanchi", in particular, have been designated as natural heritage sites on the World Heritage List based on the Convention for the Protection of the World Cultural and Natural Heritage. Yakushima is famous for its typically vertical distribution of unique plant species including Yakusugi (Cryptomerica japonica). Shirakami-Sanchi has well-preserved primitive forests with diversified animal and plant life and is famous in East Asia for its prototype Japanese beech (Fagus cremata) forest, which was formed after the Ice Age. Japan has taken the necessary measures to protect these sites according to management plans formulated in 1995, including the implementation of various systems and promotion of various projects.

262. Japan also designates animals and plants as well as geological features having greater scientific value as natural treasures and tries to limit any alterations to their present conditions so as to protect and preserve nature with an emphasis on the ecosystem and animal and plant species.

(d) Measures taken to promote learning of and dissemination of scientific and technological knowledge

263. These measures include:

(a) Extending assistance to "Experience Centres of Frontier Science and Technology", which local governments hold to enhance the interest of youth in scientific technology;

(b) Helping the Japan Science and Technology Corporation to develop virtual scientific buildings where people can experience science and technology first-hand, to create attractive exhibits and to hold seminars;

(c) Endorsing sponsorship of activities to promote learning of and to disseminate scientific and technological knowledge;

(d) Setting up preferential tax measures for non-profit organizations for the benefit of the public involved in the promotion of learning and dissemination of scientific and technological knowledge; and

(e) Honouring people who make great achievements in science and technology (medals and other awards by the Minister of State for Science and Technology, for noteworthy inventions, etc.).

3. Protection of the rights of authors

(a) Protection of moral and material interests in the scientific field

264. In Japan, among intellectual property rights which grow out of human intellectual activities, rights for intellectual creations that might bring about moral or material benefits in the field of science are protected as inventions (a highly advanced creation of technical ideas by which a law of nature is used), devices (creation of technical ideas by which a law of nature is used, limited by the object's shape, structure or combination thereof but not necessarily highly advanced), and designs (shape, pattern or colour or combination thereof in an article which produces an aesthetic impression on the sense of sight) under the Patent Law, the Utility Model Law and the Design Law, respectively.

265. The rights of university researchers, who play a major role in intellectual activities, are protected by law. However, the university researchers' research activities and inventions are diverse, and they do not fall under work-related inventions stipulated in the Patent Law which assumes a relationship between employers and employees. The unified treatment of such activities has therefore been difficult. The Council for Academy, which is an advisory organ to the Minister of Education, clarified its basic ideas and presented a unified standard in "Handling of Patents Concerning Inventions by University Professors" (1977 report). Based on this report, appropriate handling has been provided for the patents resulting from scientific research undertaken at universities.

(b) Protection of moral and material interests in literature and art

266. In Japan, the Copyright Law and other relevant legislation protect the rights of authors concerning their moral and material interests. Japan has adhered to such international treaties as the Berne Convention, the Universal Copyright Convention and the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), and the level of the protection in Japan exceeds the obligations under these conventions.

267. In order to protect copyright and moral rights fully, it is necessary that the public obtain deep understanding and knowledge with regard to these rights. The Government has been making efforts to make an understanding of copyright more prevalent among teachers, public employees of prefectures, librarians, and the general public, by organizing various seminars and by circulating and publishing materials to enhance the understanding of such rights.

268. In addition, audio-visual materials have been created and distributed to junior and senior high school students. Management organizations which were established for effective enforcement of such rights have been involved in protection of the interests of the holders of these rights. The Japanese Society for Rights of Authors, Composers and Publishers, the Japan Federation for the Protection of Copyright on Literary Works, the Nihon Kyakuhonka Renmei (organization for playwrights) and the Nihon Shinario-Sakka Kyokai (organization for scenario writers) are working in their respective fields under the supervision of the Commissioner of Cultural Affairs.

4. Encouragement and development of international exchange and cooperation

(a) International exchange and cooperation in the scientific field

269. Progress in science requires intellectual exchange among researchers beyond national boundaries, and the provision of assistance to encourage this is extremely important.

270. Japan takes various measures to encourage international exchange, for example, by providing travel expenses for those wishing to participate in international conferences and symposiums. The Japan Science Promotion Society also conducts various activities including the promotion of international cooperation related to the field of science, assists scientific research and gives grants to researchers. Japan has been actively cooperating with UNESCO; specifically, Japan implements scientific cooperation projects in developing countries, including global environmental projects operated through the trust funds of UNESCO.

271. From fiscal year 1991, Japan has held international workshops for information exchange and examining measures to promote international research exchange in the fields which are considered politically important, in light of the international science and technology cooperation agreements, etc.

(b) International exchange and cooperation in the cultural field

272. Japan established the Japan Foundation to efficiently carry on activities for international cultural exchange and thereby contribute to the enhancement of world culture and the welfare of mankind. It conducts various activities for cultural exchanges, including sending artists abroad, dispatching qualified persons in various cultural areas to international conferences and symposiums, inviting foreign artists and outstanding people in various cultural fields to Japan, and holding art exhibitions and lectures. In addition, Japan assists organizations in the private sector involved in cultural exchange activities by providing grants.

273. To promote cultural and educational activities in developing countries, since fiscal year 1975, Japan has granted cultural grant aid for preserving and utilizing cultural assets and cultural heritage, for holding cultural performances and exhibitions, and for purchasing equipment for education and research. Japan assisted more than 100 countries in a total of 853 cases, and grant aid had totalled more than 34.8 billion yen by fiscal year 1996. The

amount of non-grant fund cooperation to developing countries to maintain cultural assets in 1979, 1982 and 1991 totalled almost 6.7 billion yen.

274. Furthermore, as stated above, Japan has adhered to the Convention for the Protection of the World Cultural and National Heritage in 1992 and has taken measures to protect the world heritage recognized under this convention. Japan has made contributions to the World Heritage Fund.

275. With the objective of cooperating in the preservation and restoration of world heritage sites, which are treasured assets common to mankind, Japan also founded the Japanese Trust Fund for the Preservation of the World Cultural Heritage in 1989 (within UNESCO), and had donated $26,150,000 by 1997.

276. In addition, Japan has conducted joint research on the preservation and restoration of Chinese murals, cooperation for the preservation and restoration of cultural property structures in the Asian-Pacific area, joint research on the preservation of Buddhist historical sites in South Asia (Angkor), cooperation for the preservation and repair of old Japanese art pieces in foreign countries, and seminars on Asian cultural property preservation. In 1995, the International Cultural Properties Preservation and Reparation Cooperation Centre was opened as the main organization for the training of personnel and for the collection and dissemination of information through multilateral research efforts in the field of cultural assets and international cooperation.

277. Since 1993, Japan has contributed to the Japanese Trust Fund for the Preservation and Promotion of the Intangible Cultural Heritage in UNESCO, and has been cooperating in its preservation and promotion with a focus on Asia.

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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

Addendum

JAPAN*

[20 June 1999]

Corrigendum

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* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.6), by articles 10 to 12 (E/1986/3/Add.4) and by articles 13 to 15 (E/1982/3/Add.7) submitted by the Government of Japan were considered by the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights in 1984 (see E/1984/WG.1/SR.9-10), in 1986 (see E/1986/WG.1/SR.20-21 and 23) and in 1982 (see E/1982/WG.1/SR.12-13) respectively.

GE.99-43103 (E)

Paragraph 9 (j), second line

That all people should read All people

Paragraph 15, second and third lines

since 1993, it has become clear in the Local Health and Welfare Plan for the Elderly should read it became clear in the Local Health Welfare Plan for the Elderly in 1993

Paragraph 41 (a), second line
Paragraph 41 (g), second and third lines
Paragraph 124, fourth line

Whereas employers used only to have an obligation should read whereas employers used to have an obligation

Paragraph 44 (a), second line

After performed by men add because of such requirement as achieving reality in expression

Paragraph 45, fifth line

For basic human rights read substantial human rights

Paragraph 81, first sentence

Replace with the following:

The Government enacted the laws that privatized the Japan Monopoly Sales Corporation as Japan Tabacco, Inc. and the Nippon Telegraph and Telephone, Inc. on 1 April 1985, and the Japan National Railway on 1 April 1987, thereby excluding them from the range of application of the Public Corporation and National Enterprise Labor Relations Law.

Paragraph 113, eighth line
Paragraph 115, twelfth line

Before measures insert necessary

Paragraph 124 (b)

the guidance given should read the health guidance and medical examination given

Paragraph 241, third line

Before costs insert necessary

Paragraph 252, twenty-first line

For the Fellowship Programme at the Japan Science and Technology Corporation read the STA (Science and Technology Agency) Fellowship Programme of the Japan Science and Technology Corporation

Page 11, table 1

Replace with the following

Table 1

Improvement objectives for the end of 1999

	Improvement objectives	Actual results in 1996
(i) In-home services		
Home helpers	170 000 people (809.1)	118 779
Short stay	60 000 beds (285.6)	38 619
Day services/day-care centres	17 000 centres (80.9)	7 922
In-home care support centres	10 000 centres (47.6)	3 347
Home-visit nursing care stations for the elderly	5 000 stations (23.8)	1 863
(ii) Facility services		
Special nursing homes for the elderly	290 000 beds (1 380.3)	249 017
Health Service facilities for the elderly	280 000 beds (1 332.7)	147 243
Living welfare centres for the elderly	400 centres (1.9)	204
Care houses	100 000 beds (476.0)	23 326
(iii) Staff development		
Matrons and care staff	200 000 people (951.9)	---
Nursing staff, etc.	100 000 people (476.0)	---
Occupational/physical therapists	15 000 people (71.4)	---

Note: Numbers in parentheses are values per 100,000 elderly persons.

Page 16, table 4

The years under Full employment rate (%) should be 1987, 1992, 1997

Paragraph 190, second sentence

For core hospitals for remote areas, support to hospitals and clinics for medical care in remote areas read core hospitals and support hospitals for remote areas and clinics in remote areas

Paragraph 235, tenth line
Paragraph 242, fifth line

For Law for the Promotion of the Ainu culture and for the Dissemination of and Advocacy for the Traditions of the Ainu and the Ainu culture read Law concerning Promotion of Ainu Culture and Dissemination and Enlightenment of Knowledge about Ainu Traditions

Paragraph 276, second line

After Chinese murals insert (Dunhuang)

Paragraph 276, sixth line

For seminars on Asian cultural property preservation read the Convention of Asian Cultural Heritage

Paragraph 276, seventh line

For International Cultural Properties Preservation and Reparation Cooperation Center read Japan Center for International Cooperation in Conservation

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